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HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 29 November 1995 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I would be grateful if you would have the attached text of the general framework agreement for peace in Bosnia and Herzegovina and the annexes thereto (collectively "the peace agreement"), which was initialled by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia as well as the other parties thereto on 21 November 1995 in Dayton, Ohio, circulated as a document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Madeleine K. ALBRIGHT
Permanent Representative

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**Attachment**

# GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (the "Parties"),

Recognizing the need for a comprehensive settlement to bring an end to the tragic conflict in the region,

Desiring to contribute toward that end and to promote an enduring peace and stability,

Affirming their commitment to the Agreed Basic Principles issued on September 8, 1995, the Further Agreed Basic Principles issued on September 26, 1995, and the cease-fire agreements of September 14 and October 5, 1995,

Noting the agreement of August 29, 1995, which authorized the delegation of the Federal Republic of Yugoslavia to sign, on behalf of the Republika Srpska, the parts of the peace plan concerning it, with the obligation to implement the agreement that is reached strictly and consequently,

Have agreed as follows:

## Article I

The Parties shall conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and shall refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other State.

## Article II

The Parties welcome and endorse the arrangements that have been made concerning the military aspects of the peace settlement and aspects of regional stabilization, as set forth in the Agreements at Annex 1-A and Annex 1-B. The Parties shall fully respect and promote fulfillment of the commitments made in Annex 1-A, and shall comply fully with their commitments as set forth in Annex 1-B.

## Article III

The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina and Republika Srpska, as set forth in the Agreement at Annex 2. The Parties shall fully respect and promote fulfillment of the commitments made therein.

## Article IV

The Parties welcome and endorse the elections program for Bosnia and Herzegovina as set forth in Annex 3. The Parties shall fully respect and promote fulfillment of that program.

## Article V

The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set forth in Annex 4. The Parties shall fully respect and promote fulfillment of the commitments made therein.

## Article VI

The Parties welcome and endorse the arrangements that have been made concerning the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and Bosnia and Herzegovina Public Corporations, as set forth in the Agreements at Annexes 5-9. The Parties shall fully respect and promote fulfillment of the commitments made therein.

## Article VII

Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.

## Article VIII

The Parties welcome and endorse the arrangements that have been made concerning the implementation of this peace settlement, including in particular those pertaining to the civilian (non-military) implementation, as set forth in the Agreement at Annex 10, and the international police task force, as set forth in the Agreement at Annex 11. The Parties shall fully respect and promote fulfillment of the commitments made therein.

## Article IX

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this Agreement, or which are otherwise authorized by the United Nations Security Council, pursuant to the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.

## Article X

The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders. Further aspects of their mutual recognition will be subject to subsequent discussions.

## Article XI

This Agreement shall enter into force upon signature.

DONE at Paris, this 21st day of November, 1995, in the Bosnian, Croatian, English and Serbian languages, each text being equally authentic.

For the Republic of Bosnia and Herzegovina

For the Republic of Croatia

For the Federal Republic of Yugoslavia

Witnessed by:

European Union Special Negotiator

For the French Republic

For the Federal Republic of Germany

For the Russian Federation

except for annex 1

For the United Kingdom of Great Britain and Northern Ireland

L.P.N-J

For the United States of America

## Annexes

| | |
|---|---|
| Annex 1-A | Agreement on Military Aspects of the Peace Settlement |
| Annex 1-B | Agreement on Regional Stabilization |
| Annex 2 | Agreement on Inter-Entity Boundary Line and Related Issues |
| Annex 3 | Agreement on Elections |
| Annex 4 | Constitution |
| Annex 5 | Agreement on Arbitration |
| Annex 6 | Agreement on Human Rights |
| Annex 7 | Agreement on Refugees and Displaced Persons |
| Annex 8 | Agreement on the Commission to Preserve National Monuments |
| Annex 9 | Agreement on Bosnia and Herzegovina Public Corporations |
| Annex 10 | Agreement on Civilian Implementation |
| Annex 11 | Agreement on International Police Task Force |

ANNEX 1-A

# AGREEMENT ON THE MILITARY ASPECTS OF THE PEACE SETTLEMENT

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (hereinafter the "Parties") have agreed as follows:

## Article I

## General Obligations

1. The Parties undertake to recreate as quickly as possible normal conditions of life in Bosnia and Herzegovina. They understand that this requires a major contribution on their part in which they will make strenuous efforts to cooperate with each other and with the international organizations and agencies which are assisting them on the ground. They welcome the willingness of the international community to send to the region, for a period of approximately one year, a force to assist in implementation of the territorial and other militarily related provisions of the agreement as described herein.

(a) The United Nations Security Council is invited to adopt a resolution by which it will authorize Member States or regional organizations and arrangements to establish a multinational military Implementation Force (hereinafter "IFOR"). The Parties understand and agree that this Implementation Force may be composed of ground, air and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of this Agreement (hereinafter "Annex"). The Parties understand and agree that the IFOR will begin the implementation of the military aspects of this Annex upon the transfer of authority from the UNPROFOR Commander to the IFOR Commander (hereinafter "Transfer of Authority"), and that until the Transfer of Authority, UNPROFOR will continue to exercise its mandate.

(b) It is understood and agreed that NATO may establish such a force, which will operate under the authority and subject to the direction and political control of the North Atlantic

Council ("NAC") through the NATO chain of command. They undertake to facilitate its operations. The Parties, therefore, hereby agree and freely undertake to fully comply with all obligations set forth in this Annex.

(c) It is understood and agreed that other States may assist in implementing the military aspects of this Annex. The Parties understand and agree that the modalities of those States' participation will be the subject of agreement between such participating States and NATO.

2. The purposes of these obligations are as follows:

(a) to establish a durable cessation of hostilities. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina;

(b) to provide for the support and authorization of the IFOR and in particular to authorize the IFOR to take such actions as required, including the use of necessary force, to ensure compliance with this Annex, and to ensure its own protection; and

(c) to establish lasting security and arms control measures as outlined in Annex 1-B to the General Framework Agreement, which aim to promote a permanent reconciliation between all Parties and to facilitate the achievement of all political arrangements agreed to in the General Framework Agreement.

3. The Parties understand and agree that within Bosnia and Herzegovina the obligations undertaken in this Annex shall be applied equally within both Entities. Both Entities shall be held equally responsible for compliance herewith, and both shall be equally subject to such enforcement action by the IFOR as may be necessary to ensure implementation of this Annex and the protection of the IFOR.

## Article II

## Cessation of Hostilities

1. The Parties shall comply with the cessation of hostilities begun with the agreement of October 5, 1995 and shall continue to

refrain from all offensive operations of any type against each other. An offensive operation in this case is an action that includes projecting forces or fire forward of a Party's own lines. Each Party shall ensure that all personnel and organizations with military capability under its control or within territory under its control, including armed civilian groups, national guards, army reserves, military police, and the Ministry of Internal Affairs Special Police (MUP) (hereinafter "Forces") comply with this Annex. The term "Forces" does not include UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1(c).

2. In carrying out the obligations set forth in paragraph 1, the Parties undertake, in particular, to cease the firing of all weapons and explosive devices except as authorized by this Annex. The Parties shall not place any additional minefields, barriers, or protective obstacles. They shall not engage in patrolling, ground or air reconnaissance forward of their own force positions, or into the Zones of Separation as provided for in Article IV below, without IFOR approval.

3. The Parties shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other measures as appropriate. The Parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority.

4. The Parties shall cooperate fully with any international personnel including investigators, advisors, monitors, observers, or other personnel in Bosnia and Herzegovina pursuant to the General Framework Agreement, including facilitating free and unimpeded access and movement and by providing such status as is necessary for the effective conduct of their tasks.

5. The Parties shall strictly avoid committing any reprisals, counter-attacks, or any unilateral actions in response to violations of this Annex by another Party. The Parties shall respond to alleged violations of the provisions of this Annex through the procedures provided in Article VIII.

## Article III

## Withdrawal of Foreign Forces

1. All Forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and militarily subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within thirty (30) days. Furthermore, all Forces that remain on the territory of Bosnia and Herzegovina must act consistently with the territorial integrity, sovereignty, and political independence of Bosnia and Herzegovina. In accordance with Article II, paragraph 1, this paragraph does not apply to UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1(c).

2. In particular, all foreign Forces, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from the territory of Bosnia and Herzegovina in accordance with Article III, paragraph 1.

## Article IV

## Redeployment of Forces

1. The Republic of Bosnia and Herzegovina and the Entities shall redeploy their Forces in three phases:

2. PHASE I

(a) The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to withdraw all Forces behind a Zone of Separation which shall be established on either side of the Agreed Cease-Fire Line that represents a clear and distinct demarcation between any and all opposing Forces. This withdrawal shall be completed within thirty (30) days after the Transfer of Authority. The precise Agreed Cease-Fire Line and Agreed Cease-Fire Zone of Separation are indicated on the maps at Appendix A of this Annex.

(b) The Agreed Cease-Fire Zone of Separation shall extend for a distance of approximately two (2) kilometers on either side of the Agreed Cease-Fire Line. No weapons other than those of the IFOR are permitted in this Agreed Cease-Fire Zone of Separation

except as provided herein. No individual may retain or possess any military weapons or explosives within this four kilometer Zone without specific approval of the IFOR. Violators of this provision shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(c) In addition to the other provisions of this Annex, the following specific provisions shall also apply to Sarajevo and Gorazde:

SARAJEVO

(1) Within seven (7) days after the Transfer of Authority, the Parties shall transfer and vacate selected positions along the Agreed Cease-Fire Line according to instructions to be issued by the IFOR Commander.

(2) The Parties shall complete withdrawal from the Agreed Cease-Fire Zone of Separation in Sarajevo within thirty (30) days after the Transfer of Authority, in accordance with Article IV, paragraph 2. The width of this Zone of Separation will be approximately one (1) kilometer on either side of the Agreed Cease-Fire Line. However, this Zone of Separation may be adjusted by the IFOR Commander either to narrow the Zone of Separation to take account of the urban area of Sarajevo or to widen the Zone of Separation up to two (2) kilometers on either side of the Agreed Cease-Fire Line to take account of more open terrain.

(3) Within the Agreed Cease-Fire Zone of Separation, no individual may retain or possess any weapons or explosives, other than a member of the IFOR or the local police exercising official duties as authorized by the IFOR in accordance with Article IV, paragraph 2(b).

(4) The Parties understand and agree that violators of subparagraphs (1), (2) and (3) above shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

GORAZDE

(1) The Parties understand and agree that a two lane all-weather road will be constructed in the Gorazde Corridor. Until such road construction is complete, the two interim routes will be used by both Entities.

The Grid coordinates for these alternate routes are (Map References: Defense Mapping Agency 1:50,000 Topographic Line Maps, Series M709, Sheets 2782-1, 2782-2, 2782-3, 2782-4, 2881-4, 2882-1, 2882-2, 2882-3, and 2882-4; Military Grid Reference System grid coordinates referenced to World Geodetic System 84 (Horizontal Datum)):

Interim Route 1: From Gorazde (34TCP361365), proceed northeast following Highway 5 along the Drina River to the Ustipraca area (34TCP456395). At that point, proceed north on Highway 19-3 through Rogatica (34TCP393515) continuing northwest past Stienice (34TCP294565) to the road intersection at Podromanija (34TCP208652). From this point, proceed west following Highway 19 to where it enters the outskirts of Sarajevo (34TBP950601).

Interim Route 2: From Gorazde (34TCP361365), proceed south following Highway 20. Follow Highway 20 through Ustinkolina (34TCP218281). Continue south following Highway 20 passing Foca along the west bank of the Drina River (34TCP203195) to a point (34TCP175178) where the route turns west following Highway 18. From this point, follow Highway 18 south of Miljevina (34TCP097204) continuing through Trnovo (34TBP942380) north to the outskirts of Sarajevo where it enters the town at Vaskovici (34TBP868533).

There shall be complete freedom of movement along these routes for civilian traffic. The Parties shall only utilize these interim routes for military forces and equipment as authorized by and under the control and direction of the IFOR. In this regard, and in order to reduce the risk to civilian traffic, the IFOR shall have the right to manage movement of military and civilian traffic from both Entities along these routes.

(2) The Parties understand and agree that violators of subparagraph (1) shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(3) The Parties pledge as a confidence building measure that they shall not locate any Forces or heavy weapons as defined in paragraph 5 of this Article within two (2) kilometers of the designated interim routes. Where those routes run in or through the designated Zones of Separation, the provisions relating to Zones of Separation in this Annex shall also apply.

(d) The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to complete the following activities within thirty (30) days after the Transfer of Authority or as determined by the IFOR Commander: (1) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices, demolitions, and barbed or razor wire from the Agreed Cease-Fire Zone of Separation or other areas from which their Forces are withdrawn; (2) mark all known mine emplacements, unexploded ordnance, explosive devices and demolitions within Bosnia and Herzegovina; and (3) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices and demolitions as required by the IFOR Commander.

(e) The IFOR is authorized to direct that any military personnel, active or reserve, who reside within the Agreed Cease-Fire Zone of Separation register with the appropriate IFOR Command Post referred to in Article VI which is closest to their residence.

3. PHASE II (AS REQUIRED IN SPECIFIC LOCATIONS)

This phase applies to those locations where the Inter-Entity Boundary Line does not follow the Agreed Cease-Fire Line.

(a) In those locations in which, pursuant to the General Framework Agreement, areas occupied by one Entity are to be transferred to another Entity, all Forces of the withdrawing Entity shall have forty-five (45) days after the Transfer of Authority to completely vacate and clear this area. This shall include the removal of all Forces as well as the removal, dismantling or destruction of equipment, mines, obstacles, unexploded ordnance, explosive devices, demolitions, and weapons. In those areas being transferred to a different Entity, in order to provide an orderly period of transition, the Entity to which an area is transferred shall not put Forces in this area for ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander. The Parties understand and agree that the IFOR shall have the right to provide the military security for these transferred areas from thirty (30) days after the Transfer of Authority until ninety-one (91) days after the Transfer of Authority, or as soon as possible as determined by the IFOR Commander, when these areas may be occupied by the Forces of the Entity to which they are transferred. Upon occupation by the Entity to which the area is transferred, a new Zone of Separation along the Inter-Entity Boundary Line as indicated on the map at Appendix A shall be established by the IFOR, and the Parties shall observe the same limitations on the presence of Forces and weapons in this Zone as apply to the Agreed Cease-Fire Zone of Separation.

(b) The IFOR is authorized to direct that any military personnel, active or reserve, who reside within the Inter-Entity Zone of Separation register with the appropriate IFOR Command Post referred to in Article VI which is closest to their residence.

4. GENERAL. The following provisions apply to Phases I and II:

(a) In order to provide visible indication, the IFOR shall supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation, and the Inter-Entity Boundary Line and its Zone of Separation. Final authority for placement of such markers shall rest with the IFOR. All Parties understand and agree that the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and its Zone of Separation are defined by the maps and documents agreed to as part of the General Framework Agreement and not the physical location of markers.

(b) All Parties understand and agree that they shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, for:

(1) failure to remove all their Forces and unauthorized weapons from the four (4) kilometer Agreed Cease-Fire Zone of Separation within thirty (30) days after the Transfer of Authority, as provided in Article IV, paragraph 2(a) and (b) above;

(2) failure to vacate and clear areas being transferred to another Entity within forty-five (45) days after the Transfer of Authority, as provided in Article IV, paragraph 3(a) above;

(3) deploying Forces within areas transferred from another Entity earlier than ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander, as provided in Article IV, paragraph 3(a) above;

(4) failure to keep all Forces and unauthorized weapons outside the Inter-Entity Zone of Separation after this Zone is declared in effect by the IFOR, as provided in Article IV, paragraph 3(a) above; or

(5) violation of the cessation of hostilities as agreed to by the Parties in Article II.

5. PHASE III

The Parties pledge as confidence building measures that they shall:

(a) within 120 days after the Transfer of Authority withdraw all heavy weapons and Forces to cantonment/barracks areas or other locations as designated by the IFOR Commander. "Heavy weapons" refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. This movement of these Forces to cantonment/barracks areas is intended to enhance mutual confidence by the Parties in the success of this Annex and help the overall cause of peace in Bosnia and Herzegovina.

(b) within 120 days after the Transfer of Authority demobilize Forces which cannot be accommodated in cantonment/barracks areas as provided in subparagraph (a) above. Demobilization shall consist of removing from the possession of these personnel all weapons, including individual weapons, explosive devices, communications equipment, vehicles, and all other military equipment. All personnel belonging to these Forces shall be released from service and shall not engage in any further training or other military activities.

6. Notwithstanding any other provision of this Annex, the Parties understand and agree that the IFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific Forces and weapons from, and to order the cessation of any activities in, any location in Bosnia and Herzegovina whenever the IFOR determines such Forces, weapons or activities to constitute a threat or potential threat to either the IFOR or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the IFOR shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, consistent with the terms set forth in Article I, paragraph 3.

## Article V

## Notifications

1. Immediately upon establishment of the Joint Military Commission provided for in Article VIII, each Party shall furnish to the Joint Military Commission information regarding the positions and descriptions of all known unexploded ordnance, explosive devices, demolitions, minefields, booby traps, wire

entanglements, and all other physical or military hazards to the safe movement of any personnel within Bosnia and Herzegovina, as well as the location of lanes through the Agreed Cease-Fire Zone of Separation which are free of all such hazards. The Parties shall keep the Joint Military Commission updated on changes in this information.

2. Within thirty (30) days after the Transfer of Authority, each Party shall furnish to the Joint Military Commission the following specific information regarding the status of its Forces within Bosnia and Herzegovina and shall keep the Joint Military Commission updated on changes in this information:

(a) location, type, strengths of personnel and weaponry of all Forces within ten (10) kilometers of the Agreed Cease-Fire Line and Inter-Entity Boundary Line.

(b) maps depicting the forward line of troops and front lines;

(c) positions and descriptions of fortifications, minefields, unexploded ordnance, explosive devices, demolitions, barriers, and other man-made obstacles, ammunition dumps, command headquarters, and communications networks within ten (10) kilometers of the Agreed Cease-Fire Line or Inter-Entity Boundary Line;

(d) positions and descriptions of all surface to air missiles/launchers, including mobile systems, anti-aircraft artillery, supporting radars and associated command and control systems;

(e) positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, weapons systems, vehicles, or any other military equipment which cannot be removed, dismantled or destroyed under the provisions of Article IV, paragraphs 2(d) and 3(a); and

(f) any further information of a military nature as requested by the IFOR.

3. Within 120 days after the Transfer of Authority, the Parties shall furnish to the Joint Military Commission the following specific information regarding the status of their Forces in Bosnia and Herzegovina and shall keep the Joint Military Commission updated on changes in this information:

(a) location, type, strengths of personnel and weaponry of all Forces;

(b) maps depicting the information in sub-paragraph (a) above;

(c) positions and descriptions of fortifications, minefields, unexploded ordnance, explosive devices, demolitions, barriers, and other man-made obstacles, ammunition dumps, command headquarters, and communications networks; and

(d) any further information of a military nature as requested by the IFOR.

## Article VI

## Deployment of the Implementation Force

1. Recognizing the need to provide for the effective implementation of the provisions of this Annex, and to ensure compliance, the United Nations Security Council is invited to authorize Member States or regional organizations and arrangements to establish the IFOR acting under Chapter VII of the United Nations Charter. The Parties understand and agree that this Implementation Force may be composed of ground, air and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of this Annex. The Parties understand and agree that the IFOR shall have the right to deploy on either side of the Inter-Entity Boundary Line and throughout Bosnia and Herzegovina.

2. The Parties understand and agree that the IFOR shall have the right:

(a) to monitor and help ensure compliance by all Parties with this Annex (including, in particular, withdrawal and redeployment of Forces within agreed periods, and the establishment of Zones of Separation);

(b) to authorize and supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and its Zone of Separation as established by the General Framework Agreement;

(c) to establish liaison arrangements with local civilian and military authorities and other international organizations as necessary for the accomplishment of its mission; and

(d) to assist in the withdrawal of UN Peace Forces not transferred to the IFOR, including, if necessary, the emergency withdrawal of UNCRO Forces.

3. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its

assigned principal tasks and available resources, and on request, which include the following:

(a) to help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;

(b) to assist the movement of organizations in the accomplishment of humanitarian missions;

(c) to assist the UNHCR and other international organizations in their humanitarian missions;

(d) to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person; and,

(e) to monitor the clearing of minefields and obstacles.

4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the IFOR in implementing this Annex.

5. The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above in paragraphs 2, 3 and 4, and they shall comply in all respects with the IFOR requirements.

6. The Parties understand and agree that in carrying out its responsibilities, the IFOR shall have the unimpeded right to observe, monitor, and inspect any Forces, facility or activity in Bosnia and Herzegovina that the IFOR believes may have military capability. The refusal, interference, or denial by any Party of this right to observe, monitor, and inspect by the IFOR shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

7. The Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall establish Command Posts at IFOR brigade, battalion, or other levels which shall be co-located with specific IFOR command locations, as determined by the IFOR Commander. These Command Posts shall exercise command and control over all Forces of their respective sides which are located within ten (10) kilometers of the Agreed Cease-Fire Line or Inter-Entity Boundary Line, as specified by the IFOR. The Command Posts shall provide, at the

request of the IFOR, timely status reports on organizations and troop levels in their areas.

8. In addition to co-located Command Posts, the Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall maintain liaison teams to be co-located with the IFOR Command, as determined by the IFOR Commander, for the purpose of fostering communication, and preserving the overall cessation of hostilities.

9. Air and surface movements in Bosnia and Herzegovina shall be governed by the following provisions:

(a) The IFOR shall have complete and unimpeded freedom of movement by ground, air, and water throughout Bosnia and Herzegovina. It shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. The IFOR and its personnel shall not be liable for any damages to civilian or government property caused by combat or combat related activities. Roadblocks, checkpoints or other impediments to IFOR freedom of movement shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

(b) The IFOR Commander shall have sole authority to establish rules and procedures governing command and control of airspace over Bosnia and Herzegovina to enable civilian air traffic and non-combat air activities by the military or civilian authorities in Bosnia and Herzegovina, or if necessary to terminate civilian air traffic and non-combat air activities.

(1) The Parties understand and agree there shall be no military air traffic, or non-military aircraft performing military missions, including reconnaissance or logistics, without the express permission of the IFOR Commander. The only military aircraft that may be authorized to fly in Bosnia and Herzegovina are those being flown in support of the IFOR, except with the express permission of the IFOR. Any flight activities by military fixed-wing or helicopter aircraft within Bosnia and Herzegovina without the express permission of the IFOR Commander are subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(2) All air early warning, air defense, or fire control radars shall be shut down within 72 hours after this Annex enters into force, and shall remain inactive unless authorized by the IFOR Commander. Any use of air traffic, air early warning, air defense or fire control radars not

authorized by the IFOR Commander shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(3) The Parties understand and agree that the IFOR Commander will implement the transfer to civilian control of air space over Bosnia and Herzegovina to the appropriate institutions of Bosnia and Herzegovina in a gradual fashion consistent with the objective of the IFOR to ensure smooth and safe operation of an air traffic system upon IFOR departure.

(c) The IFOR Commander is authorized to promulgate appropriate rules for the control and regulation of surface military traffic throughout Bosnia and Herzegovina, including the movement of the Forces of the Parties. The Joint Military Commission referred to in Article VIII may assist in the development and promulgation of rules related to military movement.

10. The IFOR shall have the right to utilize such means and services as required to ensure its full ability to communicate and shall have the right to the unrestricted use of all of the electromagnetic spectrum for this purpose. In implementing this right, the IFOR shall make every reasonable effort to coordinate with and take into account the needs and requirements of the appropriate authorities.

11. All Parties shall accord the IFOR and its personnel the assistance, privileges, and immunities set forth at Appendix B of this Annex, including the unimpeded transit through, to, over and on the territory of all Parties.

12. All Parties shall accord any military elements as referred to in Article I, paragraph 1(c) and their personnel the assistance, privileges and immunities referred to in Article VI, paragraph 11.

## Article VII

## Withdrawal of UNPROFOR

It is noted that as a consequence of the forthcoming introduction of the IFOR into the Republic of Bosnia and Herzegovina, the conditions for the withdrawal of the UNPROFOR established by United Nations Security Council Resolution 743 have been met. It is requested that the United Nations, in consultation

with NATO, take all necessary steps to withdraw the UNPROFOR from Bosnia and Herzegovina, except those parts incorporated into the IFOR.

## Article VIII

## Establishment of a Joint Military Commission

1. A Joint Military Commission (the "Commission") shall be established with the deployment of the IFOR to Bosnia and Herzegovina.

2. The Commission shall:

(a) Serve as the central body for all Parties to this Annex to bring any military complaints, questions, or problems that require resolution by the IFOR Commander, such as allegations of cease-fire violations or other noncompliance with this Annex.

(b) Receive reports and agree on specific actions to ensure compliance with the provisions of this Annex by the Parties.

(c) Assist the IFOR Commander in determining and implementing a series of local transparency measures between the Parties.

3. The Commission shall be chaired by the IFOR Commander or his or her representative and consist of the following members:

(a) the senior military commander of the forces of each Party within Bosnia and Herzegovina;

(b) other persons as the Chairman may determine;

(c) each Party to this Annex may also select two civilians who shall advise the Commission in carrying out its duties;

(d) the High Representative referred to in the General Framework Agreement or his or her nominated representative shall attend Commission meetings, and offer advice particularly on matters of a political-military nature.

4. The Commission shall not include any persons who are now or who come under indictment by the International Tribunal for the Former Yugoslavia.

5. The Commission shall function as a consultative body for the IFOR Commander. To the extent possible, problems shall be

solved promptly by mutual agreement. However, all final decisions concerning its military matters shall be made by the IFOR Commander.

6. The Commission shall meet at the call of the IFOR Commander. The High Representative may when necessary request a meeting of the Commission. The Parties may also request a meeting of the Commission.

7. The IFOR Commander shall have the right to decide on military matters, in a timely fashion, when there are overriding considerations relating to the safety of the IFOR or the Parties' compliance with the provisions of this Annex.

8. The Commission shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at the brigade and battalion level or at other echelons as the local IFOR Commander shall direct and be composed of commanders from each of the Parties and the IFOR. The representative of the High Representative shall attend and offer advice particularly on matters of a political-military nature. The local IFOR Commander shall invite local civilian authorities when appropriate.

9. Appropriate liaison arrangements will be established between the IFOR Commander and the High Representative to facilitate the discharge of their respective responsibilities.

## Article IX

## Prisoner Exchanges

1. The Parties shall release and transfer without delay all combatants and civilians held in relation to the conflict (hereinafter "prisoners"), in conformity with international humanitarian law and the provisions of this Article.

(a) The Parties shall be bound by and implement such plan for release and transfer of all prisoners as may be developed by the ICRC, after consultation with the Parties.

(b) The Parties shall cooperate fully with the ICRC and facilitate its work in implementing and monitoring the plan for release and transfer of prisoners.

(c) No later than thirty (30) days after the Transfer of Authority, the Parties shall release and transfer all prisoners held by them.

(d) In order to expedite this process, no later than twenty-one (21) days after this Annex enters into force, the Parties shall draw up comprehensive lists of prisoners and shall provide such lists to the ICRC, to the other Parties, and to the Joint Military Commission and the High Representative. These lists shall identify prisoners by nationality, name, rank (if any) and any internment or military serial number, to the extent applicable.

(e) The Parties shall ensure that the ICRC enjoys full and unimpeded access to all places where prisoners are kept and to all prisoners. The Parties shall permit the ICRC to privately interview each prisoner at least forty-eight (48) hours prior to his or her release for the purpose of implementing and monitoring the plan, including determination of the onward destination of each prisoner.

(f) The Parties shall take no reprisals against any prisoner or his/her family in the event that a prisoner refuses to be transferred.

(g) Notwithstanding the above provisions, each Party shall comply with any order or request of the International Tribunal for the Former Yugoslavia for the arrest, detention, surrender of or access to persons who would otherwise be released and transferred under this Article, but who are accused of violations within the jurisdiction of the Tribunal. Each Party must detain persons reasonably suspected of such violations for a period of time sufficient to permit appropriate consultation with Tribunal authorities.

2. In those cases where places of burial, whether individual or mass, are known as a matter of record, and graves are actually found to exist, each Party shall permit graves registration personnel of the other Parties to enter, within a mutually agreed period of time, for the limited purpose of proceeding to such graves, to recover and evacuate the bodies of deceased military and civilian personnel of that side, including deceased prisoners.

## Article X

## Cooperation

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the General Framework Agreement, or which are otherwise authorized by the United Nations Security Council, including the International Tribunal for the Former Yugoslavia.

## Article XI

## Notification to Military Commands

Each Party shall ensure that the terms of this Annex, and written orders requiring compliance, are immediately communicated to all of its Forces.

## Article XII

## Final Authority to Interpret

In accordance with Article I, the IFOR Commander is the final authority in theatre regarding interpretation of this agreement on the military aspects of the peace settlement, of which the Appendices constitute an integral part.

## Article XIII

## Entry into Force

This Annex shall enter into force upon signature.

For the Republic of
Bosnia and Herzegovina

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

Endorsed:

For the Republic
of Croatia

Endorsed:

For the Federal Republic
of Yugoslavia

MAP COPY NOT AVAILABLE

APPENDIX B TO ANNEX 1-A

Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel

The Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation have agreed as follows:

1. For the purposes of the present agreement, the following expressions shall have the meanings hereunder assigned to them:

- "the Operation" means the support, implementation, preparation and participation by NATO and NATO personnel in a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia;

- "NATO personnel" means the civilian and military personnel of the North Atlantic Treaty Organisation with the exception of personnel locally hired;

- "NATO" means the North Atlantic Treaty Organisation, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the Operation;

- "Facilities" mean all premises and land required for conducting the operational, training and administrative activities by NATO for the Operation as well as for accommodations of NATO personnel.

2. The provisions of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 concerning experts on mission shall apply mutatis mutandis to NATO personnel involved in the Operation, except as otherwise provided for in the present agreement. Moreover NATO, its property and assets shall enjoy the privileges and immunities specified in that convention and as stated in the present agreement.

3. All personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Republic of Bosnia and Herzegovina insofar as it is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

4. The Government of the Republic of Bosnia and Herzegovina recognizes the need for expeditious departure and entry procedures for NATO personnel. They shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. NATO personnel shall carry identification which they may be requested to produce for the authorities of the Republic of Bosnia and Herzegovina but operations, training and movement shall not be allowed to be impeded or delayed by such requests.

5. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The authorities of the Republic of Bosnia and Herzegovina shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

6. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport or facility.

7. NATO military personnel under all circumstances and at all times shall be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offenses which may be committed by them in the Republic of Bosnia and Herzegovina. NATO and the authorities of the Republic of Bosnia and Herzegovina shall assist each other in the exercise of their respective jurisdictions.

8. As experts on mission, NATO personnel shall be immune from personal arrest or detention. NATO personnel mistakenly arrested or detained shall immediately be turned over to NATO authorities.

9. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft and equipment, free and unrestricted passage and unimpeded access throughout the Republic of Bosnia and Herzegovina including airspace and territorial waters of the Republic of Bosnia and Herzegovina. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations. NATO shall be exempt from providing inventories or other routine customs documentation on personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting the territory of the Republic of Bosnia and Herzegovina in support of the Operation. The authorities of the Republic of Bosnia and Herzegovina shall facilitate with all appropriate means all movements of personnel, vehicles, vessels, aircraft, equipment or supplies, through ports, airports or roads used. Vehicles, vessels and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance. NATO will use airports, roads and ports without payment of duties, dues, tolls or charges. However, NATO shall not claim exemption from reasonable charges for services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

10. NATO personnel shall be exempt from taxation by the Republic of Bosnia and Herzegovina on the salaries and emoluments received from NATO and on any income received from outside the Republic of Bosnia and Herzegovina.

11. NATO personnel and their tangible movable property imported into or acquired in the Republic of Bosnia and Herzegovina shall also be exempt from all identifiable taxes by the Republic of Bosnia and Herzegovina, except municipal rates for services enjoyed, and from all registration fees and related charges.

12. NATO shall be allowed to import and to export free of duty or other restriction equipment, provisions, and supplies, necessary for the Operation, provided such goods are for the official use of NATO or for sale via commissaries or canteens provided for NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to other parties.

13. It is recognized by the Government of the Republic of Bosnia and Herzegovina that the use of communications channels shall be necessary for the Operation. NATO shall be allowed to operate its own internal mail and telecommunications services, including broadcast services. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electro-magnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities of the Republic of Bosnia and Herzegovina.

14. The Government of the Republic of Bosnia and Herzegovina shall provide, free of cost, such facilities NATO needs for the preparation for and execution of the Operation. The Government of the Republic of Bosnia and Herzegovina shall assist NATO in obtaining, at the lowest rate, the necessary utilities such as electricity, water and other resources necessary for the Operation.

15. Claims for damage or injury to Government personnel or property, or to private personnel or property of the Republic of Bosnia and Herzegovina shall be submitted through governmental authorities of the Republic of Bosnia and Herzegovina to the designated NATO Representatives.

16. NATO shall be allowed to contract direct with suppliers for services and supplies in the Republic of Bosnia and Herzegovina without payment of tax or duties. Such services and supplies shall not be subject to sales and other taxes. NATO may hire local personnel who shall remain subject to local laws and regulations. However, local personnel hired by NATO shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) be immune from national services and/or national military service obligations;

(c) be exempt from taxation on the salaries and emoluments paid to them by NATO.

17. NATO may in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure of the Republic of Bosnia and Herzegovina such as roads, utility systems, bridges, tunnels, buildings, etc. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the facility returned to as near its original condition as possible.

18. Failing any prior settlement, disputes with regard to the interpretation or application of the present agreement shall be settled between the Republic of Bosnia and Herzegovina and NATO Representatives by diplomatic means.

19. The provisions of this agreement shall also apply to the civilian and military personnel, property and assets of national elements/units of NATO states, acting in connection to the Operation or the relief for the civilian population which however remain under national command and control.

20. Supplemental arrangements may be concluded to work out details for the Operation also taking into account its further development.

21. The Government of the Republic of Bosnia and Herzegovina shall accord non-NATO states and their personnel participating in the Operation the same privileges and immunities as those accorded under this agreement to NATO states and personnel.

22. The provisions of this agreement shall remain in force until completion of the Operation or as the Parties otherwise agree.

23. This Agreement shall enter into force upon signature.

Done at Wright-Patterson Air Force Base, Ohio on November 21, 1995 and

at _____ on _____, 1995.

For the Republic of Bosnia and Herzegovina:

For the North Atlantic Treaty Organisation:

/...

Wright-Patterson Air Force Base, Ohio
November 21, 1995

Excellency:

I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Federal Republic of Yugoslavia has endorsed, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel.

On behalf of the Federal Republic of Yugoslavia, I wish to assure you that the Federal Republic of Yugoslavia shall take all necessary steps, consistent with the sovereignty, territorial intedrity and political independence of Bosnia and Herzegovina, to ensure that the Republika Srpska fully respects and complies with commitments to NATO, including in particular access and status of forces, as set forth in the aforementioned Agreements.

Sincerely,

Slobodan Milosevic

His Excellency
Sergio Silvio Balanzino
Acting Secretary General
North Atlantic Treaty Organisation
1110 BRUSSELS
Belgium

REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

Excellency,

I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Republic of Croatia has endorsed, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel.

On behalf of the Republic of Croatia, I wish to assure you that the Republic of Croatia shall take all necessary steps, consistent with the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to ensure that the personnel or organisations in Bosnia and Herzegovina which are under its control or with which it has influence fully respect and comply with the commitments to NATO, including in particular access and status of forces, as set forth in the aforementioned Agreements.

Sincerely,

Dr. Mate Granić

His Excellency
Sergio Silvio Balanzino
Acting Secretary General
North Atlantic Treaty Organisation
1110 Brussels
Belgium

/...

41000 ZAGREB, Trg Nikole Šubića Zrinskog 7-8 · Phone: (+385 41) 45 11 02 · Fax: (+385 41) 42 75 94

Wright-Patterson Air Force Base, Ohio
November 21, 1995

Excellency:

I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Federation of Bosnia and Herzegovina has signed as a Party, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organization (NATO) Concerning the Status of NATO and its Personnel.

On behalf of the Federation of Bosnia and Herzegovina, I wish to assure you that the Federation of Bosnia and Herzegovina will adhere to and fulfill its commitments regarding access and status of forces in general, including in particular, its commitments to NATO.

Sincerely,

Jadranko Prlic
Deputy Prime Minister and Defense Minister
Federation of Bosnia and Herzegovina

His Excellency
Sergio Silvio Balanzino
Acting Secretary General
North Atlantic Treaty Organisation
1110 BRUSSELS
Belgium

Wright-Patterson Air Force Base, Ohio
November 21, 1995

Excellency:

I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Republika Srpska has signed as a Party, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel.

On behalf of the Republika Srpska, I wish to assure you that the Republika Srpska will adhere to and fulfill its commitments regarding access and status of forces in general, including in particular, its commitments to NATO.

Sincerely,

for Momcilo Krajisnik
President of the Republika Srpska

by M. Loulitch

His Excellency
Sergio Silvio Balanzino
Acting Secretary General
North Atlantic Treaty Organisation
1110 BRUSSELS
Belgium

/...

Agreement Between the Republic of Croatia and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel

The Republic of Croatia and the North Atlantic Treaty Organisation have agreed as follows:

1. For the purposes of the present agreement, the following expressions shall have the meanings hereunder assigned to them:

- "the Operation" means the support, implementation, preparation and participation by NATO and NATO personnel in a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia;

- "NATO personnel" means the civilian and military personnel of the North Atlantic Treaty Organisation with the exception of personnel locally hired;

- "NATO" means the North Atlantic Treaty Organisation, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the Operation;

- "Facilities" means all premises and land required for conducting the operational, training and administrative activities by NATO for the Operation as well as for accommodations of NATO personnel.

2. The provisions of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 concerning experts on mission shall apply mutatis mutandis to NATO personnel involved in the Operation, except as otherwise provided for in the present agreement. Moreover NATO, its property and assets shall enjoy the privileges and immunities specified in that Convention and as stated in the present agreement.

3. All personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Republic of Croatia, insofar as it is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

4. The Government of Croatia recognizes the need for expeditious departure and entry procedures for NATO personnel. They shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. NATO personnel shall carry identification which they may be requested to produce for Croatian authorities but operations, training and movement shall not be allowed to be impeded or delayed by such requests.

5. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. Croatian authorities shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

6. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport or facility.

7. NATO military personnel under all circumstances and at all times shall be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offenses which may be committed by them in the Republic of Croatia. NATO and Croatian authorities shall assist each other in the exercise of their respective jurisdictions.

8. As experts on mission, NATO personnel shall be immune from personal arrest or detention. NATO personnel mistakenly arrested or detained shall immediately be turned over to NATO authorities.

9. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft and equipment, free and unrestricted passage and unimpeded access throughout Croatia including Croatian airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations. NATO shall be exempt from providing inventories or other routine customs documentation on personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting Croatian territory in support of the Operation. The Croatian authorities shall facilitate with all appropriate means all movements of personnel, vehicles, vessels, aircraft or supplies, through ports, airports or roads used. Vehicles, vessels and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance. NATO will use airports, roads and ports without payment of duties, dues, tolls or charges. However, NATO shall not claim exemption from reasonable charges for services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

10. NATO personnel shall be exempt from taxation by the Republic of Croatia on the salaries and emoluments received from NATO and on any income received from outside the Republic of Croatia.

11. NATO personnel and their tangible movable property imported into or acquired in Croatia shall also be exempt from all identifiable taxes by the Republic of Croatia, except municipal rates for services enjoyed, and from all registration fees and related charges.

12. NATO shall be allowed to import and export free of duty or other restriction equipment, provisions, and supplies, necessary for the Operation, provided such goods are for the official use of NATO or for sale via commissaries or canteens provided for NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to other parties.

13. NATO shall be allowed to operate its own internal mail and telecommunications services, including broadcast services. Telecommunications channels and other communications needs which may interfere with Croatian telecommunication services shall be coordinated with appropriate Croatian authorities free of cost. It is recognized by the Government of Croatia that the use of communications channels shall be necessary for the Operation.

14. The Government of Croatia shall provide, free of cost, such facilities NATO needs for the preparation for and execution of the Operation. The Government of Croatia shall assist NATO in obtaining, at the lowest rate, the necessary utilities such as electricity, water and other resources necessary for the Operation.

15. Claims for damage or injury to Croatian Government personnel or property, or to private personnel or property shall be submitted through Croatian governmental authorities to the designated NATO Representatives.

16. NATO shall be allowed to contract direct with suppliers for services and supplies in the Republic of Croatia without payment of tax or duties. Such services and supplies shall not be subject to sales or other taxes. NATO may hire local personnel who shall remain subject to local laws and regulations. However, local personnel hired by NATO shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) be immune from national services and/or national military service obligations;

(c) be exempt from taxation on the salaries and emoluments paid to them by NATO.

17. NATO may in the conduct of the Operation, have need to make improvements or modifications to certain Croatian infrastructure such as roads, utility systems, bridges, tunnels, buildings, etc. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the facility returned to as near its original condition as possible.

18. Failing any prior settlement, disputes with regard to the interpretation or application of the present agreement shall be settled between Croatia and NATO Representatives by diplomatic means.

19. The provisions of this agreement shall also apply to the civilian and military personnel, property and assets of national elements/units of NATO states, acting in connection to the Operation or the relief for the civilian population which however remain under national command and control.

20. Supplemental arrangements may be concluded to work out details for the Operation also taking into account its further development.

21. The Government of Croatia shall accord non-NATO states and their personnel participating in the Operation the same privileges and immunities as those accorded under this agreement to NATO states and personnel.

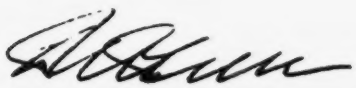
22. The provisions of this agreement shall remain in force until completion of the Operation or as the Parties otherwise agree.

23. This Agreement shall enter into force upon signature.

Done at Wright-Patterson Air Force Base, Ohio on November 21, 1995 and

at_____on _____, 1995.

For the Republic of Croatia:



For the North Atlantic Treaty Organisation:

Agreement Between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organisation (NATO) Concerning Transit Arrangements for Peace Plan Operations

Considering that the North Atlantic Treaty Organization is conducting contingency planning in coordination with the United Nations to support the implementation of a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia, and may be requested by the United Nations to execute either such operation;

Considering the necessity to establish adequate transit arrangements for the execution/implementation of this Operation;

It is agreed that:

1. For the purposes of the present agreement, the following expressions shall have the meanings hereunder assigned to them:

- "the Operation" means the support, implementation, preparation and participation by NATO and NATO personnel in a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia;

- "NATO personnel" means the civilian and military personnel of the North Atlantic Treaty Organization with the exception of personnel locally hired;

- "NATO" means the North Atlantic Treaty Organization, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the Operation.

2. The Government of the Federal Republic of Yugoslavia shall allow the free transit over land, rail, road, water or through air of all personnel and cargo, equipment, goods and material of whatever kind, including ammunition required by NATO for the execution of the Operation, through the territory of the Federal Republic of Yugoslavia including Federal Republic of Yugoslavia airspace and territorial waters.

3. The Government of the Federal Republic of Yugoslavia shall provide or assist to provide, at the lowest cost, such facilities or services as determined by NATO as are necessary for the transit.

4. NATO shall be exempt from providing inventories or other routine customs documentation on personnel, equipment, supplies, and provisions entering, exiting, or transiting the Federal Republic of Yugoslavia territory in support of the Operation. The Federal Republic of Yugoslavia authorities shall facilitate with all appropriate means all movements of personnel, vehicles and/or supplies, through ports, airports or roads used. Vehicles, vessels and aircraft in transit shall not be subject to licensing or registration requirements, nor commercial insurance. NATO shall be permitted to use airports, roads and ports without payment of duties, dues, tolls or charges. NATO shall not claim exemption for reasonable charges for services requested and

/...

received, but transit shall not be allowed to be impeded pending negotiations on payment for such services. The modes of transport will be communicated by NATO to the Government of the Federal Republic of Yugoslavia in advance. The routes to be followed will be commonly agreed upon.

5. The provision of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 concerning experts on mission shall apply mutatis mutandis to NATO personnel involved in the transit, except as otherwise provided for in the present agreement. Moreover NATO, its property and assets shall enjoy the privileges and immunities specified in that Convention and as stated in the present agreement.

6. All personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Federal Republic of Yugoslavia, insofar as respect for said laws is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

7. The Government of the Federal Republic of Yugoslavia recognizes the need for expeditious departure and entry procedures for NATO personnel. They shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. NATO personnel shall carry identification which they may be requested to produce for Federal Republic of Yugoslavia authorities, but transit shall not be allowed to be impeded or delayed by such requests.

8. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The Federal Republic of Yugoslavia authorities shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

9. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport or facility.

10. NATO military personnel under all circumstances and at all times shall be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offenses which may be committed by them in the Federal Republic of Yugoslavia. NATO and the Federal Republic of Yugoslavia authorities shall assist each other in the exercise of their respective jurisdictions.

11. As experts on mission, NATO personnel shall be immune from personal arrest or detention. NATO personnel mistakenly arrested or detained shall immediately be turned over to NATO authorities.

12. NATO personnel and their tangible movable property in transit through the Federal Republic of Yugoslavia shall also be exempt from all identifiable taxes by the Government of the Federal Republic of Yugoslavia.

13. NATO shall be allowed to operate its own telecommunications services. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electro-magnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate Federal Republic of Yugoslavia authorities.

14. Claims for damage or injury to Federal Republic of Yugoslavia Government personnel or property, or to private persons or property shall be submitted through the Federal Republic of Yugoslavia governmental authorities to the designated NATO Representatives.

15. Failing any prior settlement, disputes with regard to the interpretation or application of the present agreement shall be settled between the Federal Republic of Yugoslavia and NATO Representatives by diplomatic means.

16. The provisions of this agreement shall also apply to the civilian and military personnel, property and assets of national elements/units of NATO states, acting in connection to the Operation of the relief for the civilian population which however remain under national command and control.

17. Supplemental arrangements may be concluded to work out details for the transit also taking into account its further development.

18. The Government of the Federal Republic of Yugoslavia shall accord for the transit of non-NATO states and their personnel participating in the Operation the same privileges and immunities as those accorded under this agreement to NATO states and personnel.

19. The provisions of this agreement shall remain in force until completion of the Operation or as the Parties otherwise agree.

20. This Agreement shall enter into force upon signature.

Done at Wright-Patterson Air Force Base, Ohio on November 21, 1995 and

at_____on _____, 1995.

For the Federal Republic of Yugoslavia:

For the North Atlantic Treaty Organisation:

/...

ANNEX 1-B

# AGREEMENT ON REGIONAL STABILIZATION

The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska (hereinafter the "Parties") have agreed as follows:

## Article I

## General Obligations

The Parties agree that establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region. To this end, they agree on the importance of devising new forms of cooperation in the field of security aimed at building transparency and confidence and achieving balanced and stable defense force levels at the lowest numbers consistent with the Parties' respective security and the need to avoid an arms race in the region. They have approved the following elements for a regional structure for stability.

## Article II

## Confidence- and Security-Building Measures in Bosnia and Herzegovina

Within seven days after this Agreement (hereinafter "Annex") enters into force, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska shall at an appropriately high political level commence negotiations under the auspices of the Organization for Security and Cooperation in Europe (hereinafter "OSCE") to agree upon a series of measures to enhance mutual confidence and reduce the risk of conflict, drawing fully upon the 1994 Vienna Document of the Negotiations on Confidence- and Security-Building Measures of the OSCE. The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this

Annex enters into force including, but not necessarily limited to, the following:

(a) restrictions on military deployments and exercises in certain geographical areas;

(b) restraints on the reintroduction of foreign Forces in light of Article III of Annex 1-A to the General Framework Agreement;

(c) restrictions on locations of heavy weapons;

(d) withdrawal of Forces and heavy weapons to cantonment/barracks areas or other designated locations as provided in Article IV of Annex 1-A;

(e) notification of disbandment of special operations and armed civilian groups;

(f) notification of certain planned military activities, including international military assistance and training programs;

(g) identification of and monitoring of weapons manufacturing capabilities;

(h) immediate exchange of data on the holdings of the five Treaty on Conventional Armed Forces in Europe (hereinafter "CFE") weapons categories as defined in the CFE Treaty, with the additional understanding that artillery pieces will be defined as those of 75mm calibre and above; and

(i) immediate establishment of military liaison missions between the Chiefs of the Armed Forces of the Federation of Bosnia and Herzegovina and the Republika Srpska;

## Article III

### Regional Confidence- and Security-Building Measures

To supplement the measures in Article II above on a wider basis, the Parties agree to initiate steps toward a regional agreement on confidence- and security-building measures. The Parties agree:

(a) not to import any arms for ninety (90) days after this Annex enters into force;

(b) not to import for 180 days after this Annex enters into force or until the arms control agreement referred to in Article IV below takes effect, whichever is the earlier, heavy weapons or heavy weapons ammunition, mines, military aircraft, and helicopters. Heavy weapons refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above.

## Article IV

## Measures for Sub-Regional Arms Control

1. Recognizing the importance of achieving balanced and stable defense force levels at the lowest numbers consistent with their respective security, and understanding that the establishment of a stable military balance based on the lowest level of armaments will be an essential element in preventing the recurrence of conflict, the Parties within thirty (30) days after this Annex enters into force shall commence negotiations under the auspices of the OSCE to reach early agreement on levels of armaments consistent with this goal. Within thirty (30) days after this Annex enters into force, the Parties shall also commence negotiations on an agreement establishing voluntary limits on military manpower.

2. The Parties agree that the armaments agreement should be based at a minimum on the following criteria: population size, current military armament holdings, defense needs, and relative force levels in the region.

(a) The agreement shall establish numerical limits on holdings of tanks, artillery, armored combat vehicles, combat aircraft, and attack helicopters, as defined in the relevant sections of the CFE Treaty, with the additional understanding that artillery pieces will be defined as those of 75 mm calibre and above.

(b) In order to establish a baseline, the Parties agree to report within thirty (30) days after this Annex enters into force their holdings as defined in sub-paragraph (a) above, according to the format prescribed in the 1992 Vienna Document of the OSCE.

(c) This notification format shall be supplemented to take into account the special considerations of the region.

3. The Parties agree to complete within 180 days after this Annex enters into force the negotiations above on agreed numerical limits on the categories referred to in paragraph 2(a) of this Article. If the Parties fail to agree to such limits within 180

days after this Annex enters into force, the following limits shall apply, according to a ratio of 5:2:2 based on the approximate ratio of populations of the Parties:

(a) the baseline shall be the determined holdings of the Federal Republic of Yugoslavia (hereinafter the "baseline");

(b) the limits for the Federal Republic of Yugoslavia shall be seventy-five (75) percent of the baseline;

(c) the limits for the Republic of Croatia shall be thirty (30) percent of the baseline;

(d) the limits for Bosnia and Herzegovina shall be thirty (30) percent of the baseline; and

(e) the allocations for Bosnia and Herzegovina will be divided between the Entities on the basis of a ratio of two (2) for the Federation of Bosnia and Herzegovina and one (1) for the Republika Srpska.

4. The OSCE will assist the Parties in their negotiations under Articles II and IV of this Annex and in the implementation and verification (including verification of holdings declarations) of resulting agreements.

## Article V

## Regional Arms Control Agreement

The OSCE will assist the Parties by designating a special representative to help organize and conduct negotiations under the auspices of the OSCE Forum on Security Cooperation ("FSC") with the goal of establishing a regional balance in and around the former Yugoslavia. The Parties undertake to cooperate fully with the OSCE to that end and to facilitate regular inspections by other parties. Further, the Parties agree to establish a commission together with representatives of the OSCE for the purpose of facilitating the resolution of any disputes that might arise.

## Article VI

## Entry into Force

This Annex shall enter into force upon signature.

For the Republic of
Bosnia and Herzegovina

For the Republic
of Croatia

For the Federal Republic
of Yugoslavia

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

ANNEX 2

# AGREEMENT ON INTER-ENTITY BOUNDARY LINE AND RELATED ISSUES

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

## Article I

## Inter-Entity Boundary Line

The boundary between the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Inter-Entity Boundary Line") shall be as delineated on the map at the Appendix.

## Article II

## Adjustment by the Parties

The Parties may adjust the Inter-Entity Boundary Line only by mutual consent. During the period in which the multinational military Implementation Force ("IFOR") is deployed pursuant to Annex 1-A to the General Framework Agreement, the Parties shall consult with the IFOR Commander prior to making any agreed adjustment and shall provide notification of such adjustment to the IFOR Commander.

## Article III

## Rivers

1. Where the Inter-Entity Boundary Line follows a river, the line shall follow natural changes (accretion or erosion) in the course of the river unless otherwise agreed. Artificial changes in the course of the river shall not affect the location

of the Inter-Entity Boundary Line unless otherwise agreed. No artificial changes may be made except by agreement among the Parties.

2. In the event of sudden natural changes in the course of the river (avulsion or cutting of new bed), the line shall be determined by mutual agreement of the Parties. If such event occurs during the period in which the IFOR is deployed, any such determination shall be subject to the approval of the IFOR Commander.

## Article IV

## Delineation and Marking

1. The line on the 1:50,000 scale map to be provided for the Appendix delineating the Inter-Entity Boundary Line, and the lines on the 1:50,000 scale map to be provided for Appendix A to Annex 1-A delineating the Inter-Entity Zone of Separation and the Agreed Cease-Fire Line and its Zone of Separation, which are accepted by the Parties as controlling and definitive, are accurate to within approximately 50 meters. During the period in which the IFOR is deployed, the IFOR Commander shall have the right to determine, after consultation with the Parties, the exact delineation of such Lines and Zones, provided that with respect to Sarajevo the IFOR Commander shall have the right to adjust the Zone of Separation as necessary.

2. The Lines and Zones described above may be marked by representatives of the Parties in coordination with and under the supervision of the IFOR. Final authority for placement of such markers shall rest with the IFOR. These Lines and Zones are defined by the maps and documents agreed to by the Parties and not by the physical location of markers.

3. Following entry into force of this Agreement, the Parties shall form a joint commission, comprised of an equal number of representatives from each Party, to prepare an agreed technical document containing a precise description of the Inter-Entity Boundary Line. Any such document prepared during the period in which the IFOR is deployed shall be subject to the approval of the IFOR Commander.

## Article V

## Arbitration for the Brcko Area

1. The Parties agree to binding arbitration of the disputed portion of the Inter-Entity Boundary Line in the Brcko area indicated on the map attached at the Appendix.

2. No later than six months after the entry into force of this Agreement, the Federation shall appoint one arbitrator, and the Republika Srpska shall appoint one arbitrator. A third arbitrator shall be selected by agreement of the Parties' appointees within thirty days thereafter. If they do not agree, the third arbitrator shall be appointed by the President of the International Court of Justice. The third arbitrator shall serve as presiding officer of the arbitral tribunal.

3. Unless otherwise agreed by the Parties, the proceedings shall be conducted in accordance with the UNCITRAL rules. The arbitrators shall apply relevant legal and equitable principles.

4. Unless otherwise agreed, the area indicated in paragraph 1 above shall continue to be administered as currently.

5. The arbitrators shall issue their decision no later than one year from the entry into force of this Agreement. The decision shall be final and binding, and the Parties shall implement it without delay.

## Article VI

## Transition

In those areas transferring from one Entity to the other in accordance with the demarcation described herein, there shall be a transitional period to provide for the orderly transfer of authority. The transition shall be completed forty-five (45) days after the Transfer of Authority from the UNPROFOR Commander to the IFOR Commander, as described in Annex 1-A.

## Article VII

## Status of Appendix

The Appendix shall constitute an integral part of this Agreement.

## Article VIII

## Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of
Bosnia and Herzegovina

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

Endorsed:

For the Republic
of Croatia

Endorsed:

For the Federal Republic
of Yugoslavia

/...

APPENDIX TO ANNEX 2

The Appendix to Annex 2 consists of this document together with (a) a 1:600,000 scale UNPROFOR road map consisting of one map sheet, attached hereto; and (b) a 1:50,000 scale Topographic Line Map, to be provided as described below.

On the basis of the attached 1:600,000 scale map, the Parties request that the United States Department of Defense provide a 1:50,000 scale Topographic Line Map, consisting of as many map sheets as necessary, in order to provide a more precise delineation of the Inter-Entity Boundary Line. Such map shall be incorporated as an integral part of this Appendix, and the Parties agree to accept such map as controlling and definitive for all purposes.

For the Republic of
Bosnia and Herzegovina

/I/

For the Federation of
Bosnia and Herzegovina

/I/

For the Republika Srpska

/I/

Endorsed:

For the Republic
of Croatia

/I/

Endorsed:

For the Federal Republic
of Yugoslavia

/I/

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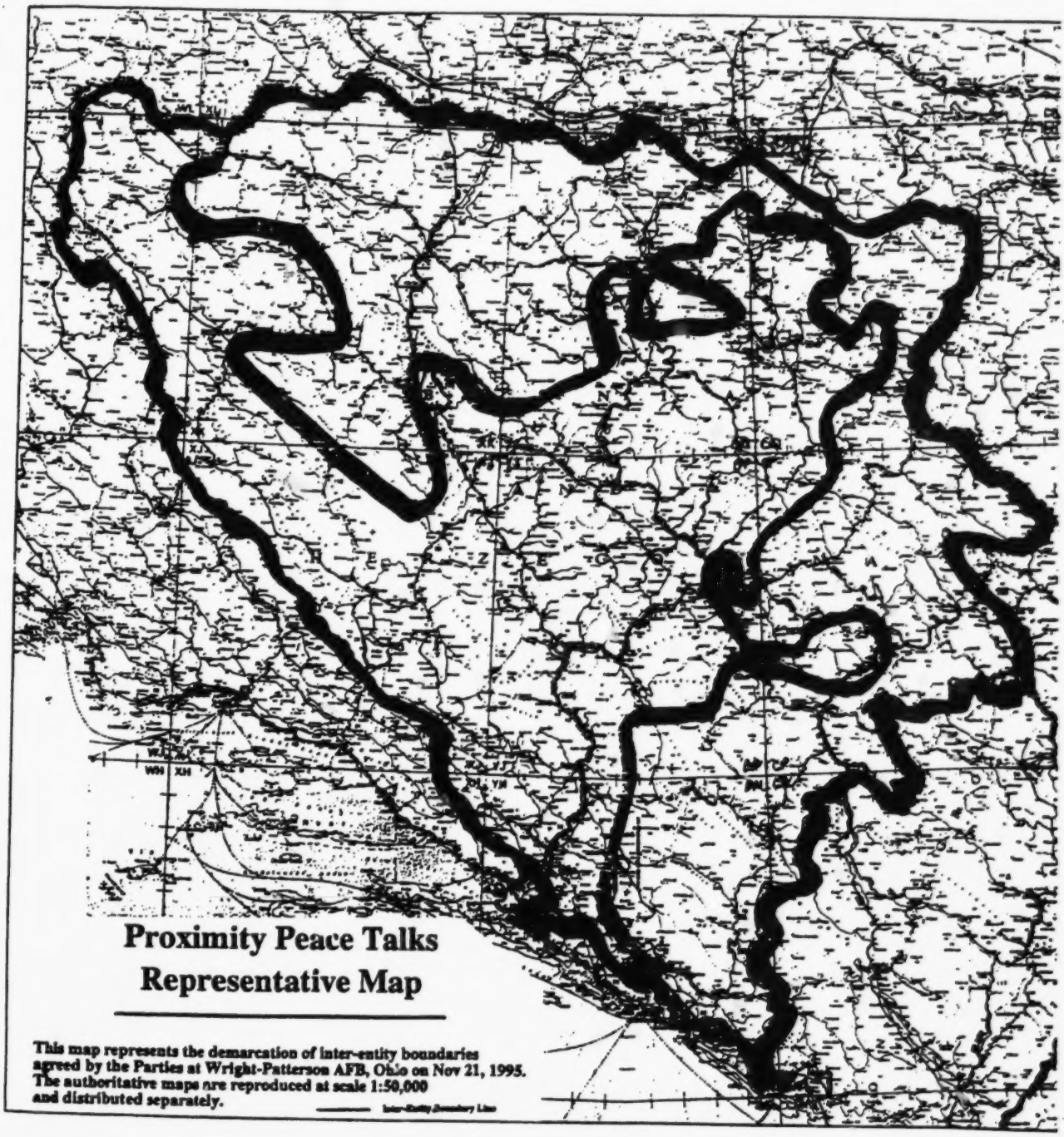

Proximity Peace Talks
Representative Map
This map represents the demarcation of inter-entity boundaries agreed by the Parties at Wright-Patterson AFB, Ohio on Nov 21, 1995. The authoritative maps are reproduced at scale 1:50,000 and distributed separately.
Inter-Entity Boundary Line

ANNEX 3

# AGREEMENT ON ELECTIONS

In order to promote free, fair, and democratic elections and to lay the foundation for representative government and ensure the progressive achievement of democratic goals throughout Bosnia and Herzegovina, in accordance with relevant documents of the Organization for Security and Cooperation in Europe (OSCE), the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska ("the Parties") have agreed as follows:

## Article I

## Conditions for Democratic Elections

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment; shall protect and enforce the right to vote in secret without fear or intimidation; shall ensure freedom of expression and of the press; shall allow and encourage freedom of association (including of political parties); and shall ensure freedom of movement.

2. The Parties request the OSCE to certify whether elections can be effective under current social conditions in both Entities and, if necessary, to provide assistance to the Parties in creating these conditions.

3. The Parties shall comply fully with paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Agreement.

## Article II

## The OSCE Role

1. OSCE. The Parties request the OSCE to adopt and put in place an elections program for Bosnia and Herzegovina as set forth in this Agreement.

2. Elections. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for the House of Representatives of Bosnia and Herzegovina; for the Presidency of Bosnia and Herzegovina; for the House of Representatives of the Federation of Bosnia and Herzegovina; for the National Assembly of the Republika Srpska; for the Presidency of the Republika Srpska; and, if feasible, for cantonal legislatures and municipal governing authorities.

3. The Commission. To this end, the Parties request the OSCE to establish a Provisional Election Commission ("the Commission").

4. Timing. Elections shall take place on a date ("Election Day") six months after entry into force of this Agreement or, if the OSCE determines a delay necessary, no later than nine months after entry into force.

## Article III

## The Provisional Election Commission

1. Rules and Regulations. The Commission shall adopt electoral rules and regulations regarding: the registration of political parties and independent candidates; the eligibility of candidates and voters; the role of domestic and international election observers; the ensuring of an open and fair electoral campaign; and the establishment, publication, and certification of definitive election results. The Parties shall comply fully with the electoral rules and regulations, any internal laws and regulations notwithstanding.

2. Mandate of the Commission. The responsibilities of the Commission, as provided in the electoral rules and regulations, shall include:

(a) supervising all aspects of the electoral process to ensure that the structures and institutional framework for free and fair elections are in place;

(b) determining voter registration provisions;

(c) ensuring compliance with the electoral rules and regulations established pursuant to this Agreement;

(d) ensuring that action is taken to remedy any violation of any provision of this Agreement or of the electoral rules and regulations established pursuant to this Agreement, including imposing penalties against any person or body that violates such provisions; and

(e) accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant accredited observers unimpeded access and movement.

3. Composition and Functioning of the Commission. The Commission shall consist of the Head of the OSCE Mission, the High Representative or his or her designee, representatives of the Parties, and such other persons as the Head of the OSCE Mission, in consultation with the Parties, may decide. The Head of the OSCE Mission shall act as Chairman of the Commission. In the event of disputes within the Commission, the decision of the Chairman shall be final.

4. Privileges and Immunities. The Chairman and Commission shall enjoy the right to establish communications facilities and to engage local and administrative staff, and the status, privileges and immunities accorded to a diplomatic agent and mission under the Vienna Convention on Diplomatic Relations.

## Article IV

## Eligibility

1. Voters. Any citizen of Bosnia and Herzegovina aged 18 or older whose name appears on the 1991 census for Bosnia and Herzegovina shall be eligible, in accordance with electoral rules and regulations, to vote. A citizen who no longer lives in the municipality in which he or she resided in 1991 shall, as a general rule, be expected to vote, in person or by absentee ballot, in that municipality, provided that the person is determined to have been registered in that municipality as confirmed by the local election commission and the Provisional Election Commission. Such a citizen may, however, apply to the Commission to cast his or her ballot elsewhere. The exercise of a refugee's right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina. By Election Day, the return of refugees should already be underway, thus allowing many to participate in person in elections in Bosnia and Herzegovina. The Commission may provide in the electoral rules and regulations for citizens not listed in the 1991 census to vote.

## Article V

## Permanent Election Commission

The Parties agree to create a permanent Election Commission with responsibilities to conduct future elections in Bosnia and Herzegovina.

## Article VI

## Entry into Force

This Agreement shall enter into force upon signature.

For the Republic
of Bosnia and Herzegovina

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

## ATTACHMENT

## TO ANNEX 3 ON ELECTIONS

Document of the Second Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, Copenhagen, 1990

Paragraphs 7 and 8:

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. they will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

ANNEX 4

# CONSTITUTION
# OF BOSNIA AND HERZEGOVINA

## PREAMBLE

*Based* on respect for human dignity, liberty, and equality,

*Dedicated* to peace, justice, tolerance, and reconciliation,

*Convinced* that democratic governmental institutions and fair procedures best produce peaceful relations within a pluralist society,

*Desiring* to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy,

*Guided* by the Purposes and Principles of the Charter of the United Nations,

*Committed* to the sovereignty, territorial integrity, and political independence of Bosnia and Herzegovina in accordance with international law,

*Determined* to ensure full respect for international humanitarian law,

*Inspired* by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments,

*Recalling* the Basic Principles agreed in Geneva on September 8, 1995, and in New York on September 26, 1995,

Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows:

## Article I
## Bosnia and Herzegovina

1. Continuation. The Republic of Bosnia and Herzegovina, the official name of which shall henceforth be "Bosnia and Herzegovina," shall continue its legal existence under international law as a state, with its internal structure modified as provided herein and with its present internationally recognized borders. It shall remain a Member State of the United Nations and may as Bosnia and Herzegovina maintain or apply for membership in organizations within the United Nations system and other international organizations.

2. Democratic Principles. Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections.

3. Composition. Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter "the Entities").

4. Movement of Goods, Services, Capital, and Persons. There shall be freedom of movement throughout Bosnia and Herzegovina. Bosnia and Herzegovina and the Entities shall not impede full freedom of movement of persons, goods, services, and capital throughout Bosnia and Herzegovina. Neither Entity shall establish controls at the boundary between the Entities.

5. Capital. The capital of Bosnia and Herzegovina shall be Sarajevo.

6. Symbols. Bosnia and Herzegovina shall have such symbols as are decided by its Parliamentary Assembly and approved by the Presidency.

7. Citizenship. There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that:

(a) All citizens of either Entity are thereby citizens of Bosnia and Herzegovina.

(b) No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(c) All persons who were citizens of the Republic of Bosnia and Herzegovina immediately prior to the entry into force of this Constitution are citizens of Bosnia and Herzegovina. The citizenship of persons who were naturalized after April 6, 1992 and before the entry into force of this Constitution will be regulated by the Parliamentary Assembly.

(d) Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities only if Bosnia and Herzegovina is their country of residence.

(e) A citizen of Bosnia and Herzegovina abroad shall enjoy the protection of Bosnia and Herzegovina. Each Entity may issue passports of Bosnia and Herzegovina to its citizens as regulated by the Parliamentary Assembly. Bosnia and Herzegovina may issue passports to citizens not issued a passport by an Entity. There shall be a central register of all passports issued by the Entities and by Bosnia and Herzegovina.

## Article II
## Human Rights and Fundamental Freedoms

1. Human Rights. Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. To that end, there shall be a Human Rights Commission for Bosnia and Herzegovina as provided for in Annex 6 to the General Framework Agreement.

2. International Standards. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.

3. Enumeration of Rights. All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include:

(a) The right to life.

(b) The right not to be subjected to torture or to inhuman or degrading treatment or punishment.

(c) The right not to be held in slavery or servitude or to perform forced or compulsory labor.

(d) The rights to liberty and security of person.

(e) The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.

(f) The right to private and family life, home, and correspondence.

(g) Freedom of thought, conscience, and religion.

(h) Freedom of expression.

(i) Freedom of peaceful assembly and freedom of association with others.

(j) The right to marry and to found a family.

(k) The right to property.

(l) The right to education.

(m) The right to liberty of movement and residence.

4. Non-Discrimination. The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

5. Refugees and Displaced Persons. All refugees and displaced persons have the right freely to return to their homes of origin. They have the right, in accordance with Annex 7 to the General Framework Agreement, to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void.

6. Implementation. Bosnia and Herzegovina, and all courts, agencies, governmental organs, and instrumentalities operated by or within the Entities, shall apply and conform to the human rights and fundamental freedoms referred to in paragraph 2 above.

7. International Agreements. Bosnia and Herzegovina shall remain or become party to the international agreements listed in Annex I to this Constitution.

8. Cooperation. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to: any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in Annex I to this Constitution; the International Tribunal for the Former Yugoslavia (and in particular shall comply with orders issued pursuant to Article 29 of the Statute of the Tribunal); and any other organization authorized by the United Nations Security Council with a mandate concerning human rights or humanitarian law.

## Article III
## Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina And the Entities

1. Responsibilities of the Institutions of Bosnia and Herzegovina. The following matters are the responsibility of the institutions of Bosnia and Herzegovina:

(a) Foreign policy.

(b) Foreign trade policy.

(c) Customs policy.

(d) Monetary policy as provided in Article VII.

(e) Finances of the institutions and for the international obligations of Bosnia and Herzegovina.

(f) Immigration, refugee, and asylum policy and regulation.

(g) International and inter-Entity criminal law enforcement, including relations with Interpol.

(h) Establishment and operation of common and international communications facilities.

(i) Regulation of inter-Entity transportation.

(j) Air traffic control.

2. Responsibilities of the Entities.

(a) The Entities shall have the right to establish special parallel relationships with neighboring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.

(b) Each Entity shall provide all necessary assistance to the government of Bosnia and Herzegovina in order to enable it to honor the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Parliamentary Assembly and Presidency of Bosnia and Herzegovina shall be the responsibility of that Entity, except insofar as the obligation is necessary for continuing the membership of Bosnia and Herzegovina in an international organization.

(c) The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.

(d) Each Entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly. The Parliamentary Assembly may provide by law that certain types of agreements do not require such consent.

3. Law and Responsibilities of the Entities and the Institutions.

(a) All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.

(b) The Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities, and with the decisions of the institutions of Bosnia and Herzegovina. The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities.

4. Coordination. The Presidency may decide to facilitate inter-Entity coordination on matters not within the responsibilities of Bosnia and Herzegovina as provided in this Constitution, unless an Entity objects in any particular case.

5. Additional Responsibilities.

(a) Bosnia and Herzegovina shall assume responsibility for such other matters as are agreed by the Entities; are provided for in Annexes 5 through 8 to the General Framework Agreement; or are necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina, in accordance with the division of responsibilities between the institutions of Bosnia and Herzegovina. Additional institutions may be established as necessary to carry out such responsibilities.

(b) Within six months of the entry into force of this Constitution, the Entities shall begin negotiations with a view to including in the responsibilities of the institutions of Bosnia and Herzegovina other matters, including utilization of energy resources and cooperative economic projects.

## Article IV
## Parliamentary Assembly

The Parliamentary Assembly shall have two chambers: the House of Peoples and the House of Representatives.

1. House of Peoples. The House of Peoples shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniacs) and one-third from the Republika Srpska (five Serbs).

(a) The designated Croat and Bosniac Delegates from the Federation shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska.

(b) Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniac, three Croat, and three Serb Delegates are present.

2. House of Representatives. The House of Representatives shall comprise 42 Members, two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.

(a) Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement.

(b) A majority of all members elected to the House of Representatives shall comprise a quorum.

3. Procedures.

(a) Each chamber shall be convened in Sarajevo not more than 30 days after its selection or election.

(b) Each chamber shall by majority vote adopt its internal rules and select from its members one Serb, one Bosniac, and one Croat to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected.

(c) All legislation shall require the approval of both chambers.

(d) All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity.

(e) A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniac, Croat, or Serb people by a majority of, as appropriate, the Bosniac, Croat, or Serb Delegates selected in accordance with paragraph 1(a) above. Such a proposed decision shall require for approval in the House of Peoples a majority of the Bosniac, of the Croat, and of the Serb Delegates present and voting.

(f) When a majority of the Bosniac, of the Croat, or of the Serb Delegates objects to the invocation of paragraph (e), the Chair of the House of Peoples shall immediately convene a Joint Commission comprising three Delegates, one each selected by the Bosniac, by the Croat, and by the Serb Delegates, to resolve the issue. If the Commission fails to do so within five days, the matter will be referred to the Constitutional Court, which shall in an expedited process review it for procedural regularity.

(g) The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the

majority of Delegates from at least two of the Bosniac, Croat, or Serb peoples. The House of Peoples elected in the first elections after the entry into force of this Constitution may not, however, be dissolved.

(h) Decisions of the Parliamentary Assembly shall not take effect before publication.

(i) Both chambers shall publish a complete record of their deliberations and shall, save in exceptional circumstances in accordance with their rules, deliberate publicly.

(j) Delegates and Members shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the Parliamentary Assembly.

4. Powers. The Parliamentary Assembly shall have responsibility for:

(a) Enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.

(b) Deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina.

(c) Approving a budget for the institutions of Bosnia and Herzegovina.

(d) Deciding whether to consent to the ratification of treaties.

(e) Such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the Entities.

## Article V
## Presidency

The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.

1. Election and Term.

(a) Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an election law adopted by the Parliamentary Assembly. The first election, however,

shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.

(b) The term of the Members of the Presidency elected in the first election shall be two years; the term of Members subsequently elected shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.

2. Procedures.

(a) The Presidency shall determine its own rules of procedure, which shall provide for adequate notice of all meetings of the Presidency.

(b) The Members of the Presidency shall appoint from their Members a Chair. For the first term of the Presidency, the Chair shall be the Member who received the highest number of votes. Thereafter, the method of selecting the Chair, by rotation or otherwise, shall be determined by the Parliamentary Assembly, subject to Article IV(3).

(c) The Presidency shall endeavor to adopt all Presidency Decisions (i.e., those concerning matters arising under Article III(1)(a) - (e)) by consensus. Such decisions may, subject to paragraph (d) below, nevertheless be adopted by two Members when all efforts to reach consensus have failed.

(d) A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected, provided that he does so within three days of its adoption. Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect.

3. Powers. The Presidency shall have responsibility for:

(a) Conducting the foreign policy of Bosnia and Herzegovina.

(b) Appointing ambassadors and other international representatives of Bosnia and Herzegovina, no more than two-thirds of whom may be selected from the territory of the Federation.

(c) Representing Bosnia and Herzegovina in international and European organizations and institutions and seeking membership in such organizations and institutions of which Bosnia and Herzegovina is not a member.

(d) Negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina.

(e) Executing decisions of the Parliamentary Assembly.

(f) Proposing, upon the recommendation of the Council of Ministers, an annual budget to the Parliamentary Assembly.

(g) Reporting as requested, but not less than annually, to the Parliamentary Assembly on expenditures by the Presidency.

(h) Coordinating as necessary with international and nongovernmental organizations in Bosnia and Herzegovina.

(i) Performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the Entities.

4. Council of Ministers. The Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives.

(a) Together the Chair and the Ministers shall constitute the Council of Ministers, with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields referred to in Article III(1), (4), and (5) and reporting to the Parliamentary Assembly (including, at least annually, on expenditures by Bosnia and Herzegovina).

(b) No more than two-thirds of all Ministers may be appointed from the territory of the Federation. The Chair shall also nominate Deputy Ministers (who shall not be of the same constituent people as their Ministers), who shall take office upon the approval of the House of Representatives.

(c) The Council of Ministers shall resign if at any time there is a vote of no-confidence by the Parliamentary Assembly.

5. Standing Committee.

(a) Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina.

(b) The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee.

## Article VI
## Constitutional Court

1. Composition. The Constitutional Court of Bosnia and Herzegovina shall have nine members.

(a) Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.

(b) Judges shall be distinguished jurists of high moral standing. Any eligible voter so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighboring state.

(c) The term of judges initially appointed shall be five years, unless they resign or are removed for cause by consensus of the other judges. Judges initially appointed shall not be eligible for reappointment. Judges subsequently appointed shall serve until age 70, unless they resign or are removed for cause by consensus of the other judges.

(d) For appointments made more than five years after the initial appointment of judges, the Parliamentary Assembly may provide by law for a different method of selection of the three judges selected by the President of the European Court of Human Rights.

2. Procedures.

(a) A majority of all members of the Court shall constitute a quorum.

(b) The Court shall adopt its own rules of court by a majority of all members. It shall hold public proceedings and shall issue reasons for its decisions, which shall be published.

3. Jurisdiction. The Constitutional Court shall uphold this Constitution.

(a) The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina, including but not limited to:

-- Whether an Entity's decision to establish a special parallel relationship with a neighboring state is consistent with this Constitution, including provisions concerning the sovereignty and territorial integrity of Bosnia and Herzegovina.

-- Whether any provision of an Entity's constitution or law is consistent with this Constitution.

Disputes may be referred only by a member of the Presidency, by the Chair of the Council of Ministers, by the Chair or a Deputy Chair of either chamber of the Parliamentary Assembly, by one-fourth of the members of either chamber of the Parliamentary Assembly, or by one-fourth of either chamber of a legislature of an Entity.

(b) The Constitutional Court shall also have appellate jurisdiction over issues under this Constitution arising out of a judgment of any other court in Bosnia and Herzegovina.

(c) The Constitutional Court shall have jurisdiction over issues referred by any court in Bosnia and Herzegovina concerning whether a law, on whose validity its decision depends, is compatible with this Constitution, with the European Convention for Human Rights and Fundamental Freedoms and its Protocols, or with the laws of Bosnia and

Herzegovina; or concerning the existence of or the scope of a general rule of public international law pertinent to the court's decision.

4. Decisions. Decisions of the Constitutional Court shall be final and binding.

## Article VII
## Central Bank

There shall be a Central Bank of Bosnia and Herzegovina, which shall be the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina.

1. The Central Bank's responsibilities will be determined by the Parliamentary Assembly. For the first six years after the entry into force of this Constitution, however, it may not extend credit by creating money, operating in this respect as a currency board; thereafter, the Parliamentary Assembly may give it that authority.

2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.

3. Thereafter, the Governing Board of the Central Bank of Bosnia and Herzegovina shall consist of five persons appointed by the Presidency for a term of six years. The Board shall appoint, from among its members, a Governor for a term of six years.

## Article VIII
## Finances

1. The Parliamentary Assembly shall each year, on the proposal of the Presidency, adopt a budget covering the expenditures required to carry out the responsibilities of the institutions of Bosnia and Herzegovina and the international obligations of Bosnia and Herzegovina.

2. If no such budget is adopted in due time, the budget for the previous year shall be used on a provisional basis.

3. The Federation shall provide two-thirds, and the Republika Srpska one-third, of the revenues required by the budget, except insofar as revenues are raised as specified by the Parliamentary Assembly.

## Article IX
## General Provisions

1. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina.

2. Compensation for persons holding office in the institutions of Bosnia and Herzegovina may not be diminished during an officeholder's tenure.

3. Officials appointed to positions in the institutions of Bosnia and Herzegovina shall be generally representative of the peoples of Bosnia and Herzegovina.

## Article X
## Amendment

1. Amendment Procedure. This Constitution may be amended by a decision of the Parliamentary Assembly, including a two-thirds majority of those present and voting in the House of Representatives.

2. Human Rights and Fundamental Freedoms. No amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph.

## Article XI
## Transitional Arrangements

Transitional arrangements concerning public offices, law, and other matters are set forth in Annex II to this Constitution.

## Article XII
## Entry into Force

1. This Constitution shall enter into force upon signature of the General Framework Agreement as a constitutional act amending and superseding the Constitution of the Republic of Bosnia and Herzegovina.

2. Within three months from the entry into force of this Constitution, the Entities shall amend their respective constitutions to ensure their conformity with this Constitution in accordance with Article III(3)(b).

ANNEX I

**ADDITIONAL HUMAN RIGHTS AGREEMENTS TO BE APPLIED IN BOSNIA AND HERZEGOVINA**

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide

2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto

3. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

4. 1957 Convention on the Nationality of Married Women

5. 1961 Convention on the Reduction of Statelessness

6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

7. 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto

8. 1966 Covenant on Economic, Social and Cultural Rights

9. 1979 Convention on the Elimination of All Forms of Discrimination against Women

10. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

11. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

12. 1989 Convention on the Rights of the Child

13. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

14. 1992 European Charter for Regional or Minority Languages

15. 1994 Framework Convention for the Protection of National Minorities

Annex II

**TRANSITIONAL ARRANGEMENTS**

1. Joint Interim Commission.

(a) The Parties hereby establish a Joint Interim Commission with a mandate to discuss practical questions related to the implementation of the Constitution of Bosnia and Herzegovina and of the General Framework Agreement and its Annexes, and to make recommendations and proposals.

(b) The Joint Interim Commission shall be composed of four persons from the Federation, three persons from the Republika Srpska, and one representative of Bosnia and Herzegovina.

(c) Meetings of the Commission shall be chaired by the High Representative or his or designee.

2. Continuation of Laws.

All laws, regulations, and judicial rules of procedure in effect within the territory of Bosnia and Herzegovina when the Constitution enters into force shall remain in effect to the extent not inconsistent with the Constitution, until otherwise determined by a competent governmental body of Bosnia and Herzegovina.

3. Judicial and Administrative Proceedings.

All proceedings in courts or administrative agencies functioning within the territory of Bosnia and Herzegovina when the Constitution enters into force shall continue in or be transferred to other courts or agencies in Bosnia and Herzegovina in accordance with any legislation governing the competence of such courts or agencies.

4. Offices.

Until superseded by applicable agreement or law, governmental offices, institutions, and other bodies of Bosnia and Herzegovina will operate in accordance with applicable law.

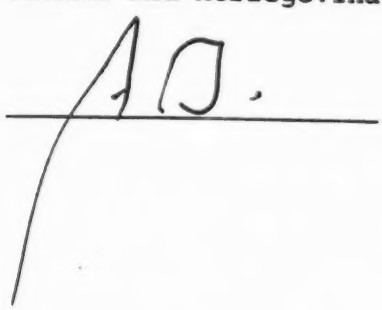
5. Treaties.

Any treaty ratified by the Republic of Bosnia and Herzegovina between January 1, 1992 and the entry into force of this Constitution shall be disclosed to Members of the Presidency within 15 days of their assuming office; any such treaty not disclosed shall be denounced. Within six months after the Parliamentary Assembly is first convened, at the request of any member of the Presidency, the Parliamentary Assembly shall consider whether to denounce any other such treaty.

DECLARATION ON BEHALF OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA

The Republic of Bosnia and Herzegovina approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

For the Republic of
Bosnia and Herzegovina



DECLARATION ON BEHALF OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Federation of Bosnia and Herzegovina, on behalf of its constituent peoples and citizens, approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

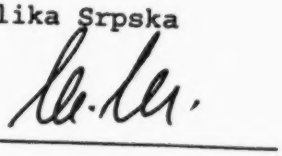
For the Federation of
Bosnia and Herzegovina

JP

## DECLARATION ON BEHALF OF THE REPUBLIKA SRPSKA

The Republika Srpska approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

For the
Republika Srpska



Annex 5

# AGREEMENT ON ARBITRATION

The Federation of Bosnia and Herzegovina and the Republika Srpska agree to honor the following obligations as set forth in the Agreed Basic Principles adopted at Geneva on September 8, 1995, by the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia, the latter representing also the Republika Srpska:

Paragraph 2.4. "The two entities will enter into reciprocal commitments...(c) to engage in binding arbitration to resolve disputes between them."

Paragraph 3. "The entities have agreed in principle to the following:... 3.5 The design and implementation of a system of arbitration for the solution of disputes between the two entities."

For the Federation of Bosnia and Herzegovina

JP

For the Republika Srpska

ANNEX 6

# AGREEMENT ON HUMAN RIGHTS

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

## CHAPTER ONE: RESPECT FOR HUMAN RIGHTS

### Article I

### Fundamental Rights and Freedoms

The Parties shall secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex. These include:

(1) The right to life.

(2) The right not to be subjected to torture or to inhuman or degrading treatment or punishment.

(3) The right not to be held in slavery or servitude or to perform forced or compulsory labor.

(4) The rights to liberty and security of person.

(5) The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.

(6) The right to private and family life, home, and correspondence.

(7) Freedom of thought, conscience and religion.

(8) Freedom of expression.

(9) Freedom of peaceful assembly and freedom of association with others.

(10) The right to marry and to found a family.

(11) The right to property.

(12) The right to education.

(13) The right to liberty of movement and residence.

(14) The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

## CHAPTER TWO: THE COMMISSION ON HUMAN RIGHTS
## Part A: GENERAL

### Article II

### Establishment of the Commission

1. To assist in honoring their obligations under this Agreement, the Parties hereby establish a Commission on Human Rights (the "Commission"). The Commission shall consist of two parts: the Office of the Ombudsman and the Human Rights Chamber.

2. The Office of the Ombudsman and the Human Rights Chamber shall consider, as subsequently described:

(a) alleged or apparent violations of human rights as provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, or

(b) alleged or apparent discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status arising in the enjoyment of any of the rights and freedoms provided for in the international agreements listed in the Appendix to this Annex,

where such violation is alleged or appears to have been committed by the Parties, including by any official or organ of the Parties, Cantons, Municipalities, or any individual acting under the authority of such official or organ.

3. The Parties recognize the right of all persons to submit to the Commission and to other human rights bodies applications concerning alleged violations of human rights, in accordance with the procedures of this Annex and such bodies. The Parties shall not undertake any punitive action directed against persons who intend to submit, or have submitted, such allegations.

## Article III

## Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff. There shall be an Executive Officer, appointed jointly by the Ombudsman and the President of the Chamber, who shall be responsible for all necessary administrative arrangements with respect to facilities and staff. The Executive Officer shall be subject to the direction of the Ombudsman and the President of the Chamber insofar as concerns their respective administrative and professional office staff.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne by Bosnia and Herzegovina. The salaries and expenses shall be fully adequate to implement the Commission's mandate.

3. The Commission shall have its headquarters in Sarajevo, including both the headquarters Office of the Ombudsman and the facilities for the Chamber. The Ombudsman shall have at least one additional office in the territory of the Federation and the Republika Srpska and at other locations as it deems appropriate. The Chamber may meet in other locations where it determines that the needs of a particular case so require, and may meet at any place it deems appropriate for the inspection of property, documents or other items.

4. The Ombudsman and all members of the Chamber shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. When the Ombudsman and members of the Chamber are not citizens of Bosnia and Herzegovina, they and their families shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

5. With full regard for the need to maintain impartiality, the Commission may receive assistance as it deems appropriate from any governmental, international, or non-governmental organization.

## Part B: HUMAN RIGHTS OMBUDSMAN

### Article IV

### Human Rights Ombudsman

1. The Parties hereby establish the Office of the Human Rights Ombudsman (the "Ombudsman").

2. The Ombudsman shall be appointed for a non-renewable term of five years by the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), after consultation with the Parties. He or she shall be independently responsible for choosing his or her own staff. Until the transfer described in Article XIV below, the Ombudsman may not be a citizen of Bosnia and Herzegovina or of any neighboring state. The Ombudsman appointed after that transfer shall be appointed by the Presidency of Bosnia and Herzegovina.

3. Members of the Office of the Ombudsman must be of recognized high moral standing and have competence in the field of international human rights.

4. The Office of the Ombudsman shall be an independent agency. In carrying out its mandate, no person or organ of the Parties may interfere with its functions.

### Article V

### Jurisdiction of the Ombudsman

1. Allegations of violations of human rights received by the Commission shall generally be directed to the Office of the Ombudsman, except where an applicant specifies the Chamber.

2. The Ombudsman may investigate, either on his or her own initiative or in response to an allegation by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, alleged or apparent violations of human rights within the scope of paragraph 2 of Article II. The Parties undertake not to hinder in any way the effective exercise of this right.

3. The Ombudsman shall determine which allegations warrant investigation and in what priority, giving particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.

4. The Ombudsman shall issue findings and conclusions promptly after concluding an investigation. A Party identified as violating human rights shall, within a specified period, explain in writing how it will comply with the conclusions.

5. Where an allegation is received which is within the jurisdiction of the Human Rights Chamber, the Ombudsman may refer the allegation to the Chamber at any stage.

6. The Ombudsman may also present special reports at any time to any competent government organ or official. Those receiving such reports shall reply within a time limit specified by the Ombudsman, including specific responses to any conclusions offered by the Ombudsman.

7. The Ombudsman shall publish a report, which, in the event that a person or entity does not comply with his or her conclusions and recommendations, will be forwarded to the High Representative described in Annex 10 to the General Framework Agreement while such office exists, as well as referred for further action to the Presidency of the appropriate Party. The Ombudsman may also initiate proceedings before the Human Rights Chamber based on such Report. The Ombudsman may also intervene in any proceedings before the Chamber.

## Article VI

## Powers

1. The Ombudsman shall have access to and may examine all official documents, including classified ones, as well as judicial and administrative files, and can require any person, including a government official, to cooperate by providing relevant information, documents and files. The Ombudsman may attend administrative hearings and meetings of other organs and may enter and inspect any place where persons deprived of their liberty are confined or work.

2. The Ombudsman and staff are required to maintain the confidentiality of all confidential information obtained, except where required by order of the Chamber, and shall treat all documents and files in accordance with applicable rules.

## Part C: HUMAN RIGHTS CHAMBER

### Article VII

### Human Rights Chamber

1. The Human Rights Chamber shall be composed of fourteen members.

2. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members and the Republika Srpska shall appoint two members. The Committee of Ministers of the Council of Europe, pursuant to its resolution (93)6, after consultation with the Parties, shall appoint the remaining members, who shall not be citizens of Bosnia and Herzegovina or any neighboring state, and shall designate one such member as the President of the Chamber.

3. All members of the Chamber shall possess the qualifications required for appointment to high judicial office or be jurists of recognized competence. The members of the Chamber shall be appointed for a term of five years and may be reappointed.

4. Members appointed after the transfer described in Article XIV below shall be appointed by the Presidency of Bosnia and Herzegovina.

### Article VIII

### Jurisdiction of the Chamber

1. The Chamber shall receive by referral from the Ombudsman on behalf of an applicant, or directly from any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, for resolution or decision applications concerning alleged or apparent violations of human rights within the scope of paragraph 2 of Article II.

2. The Chamber shall decide which applications to accept and in what priority to address them. In so doing, the Chamber shall take into account the following criteria:

(a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted and that the application has been filed with the Commission within six months from such date on which the final decision was taken.

(b) The Chamber shall not address any application which is substantially the same as a matter which has already been examined by the Chamber or has already been submitted to another procedure or international investigation or settlement.

(c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition.

(d) The Chamber may reject or defer further consideration if the application concerns a matter currently pending before any other international human rights body responsible for the adjudication of applications or the decision of cases, or any other Commission established by the Annexes to the General Framework Agreement.

(e) In principle, the Chamber shall endeavor to accept and to give particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.

(f) Applications which entail requests for provisional measures shall be reviewed as a matter of priority in order to determine (1) whether they should be accepted and, if so (2) whether high priority for the scheduling of proceedings on the provisional measures request is warranted.

2. The Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such result is consistent with the objective of respect for human rights.

## Article IX

## Friendly Settlement

1. At the outset of a case or at any stage during the proceedings, the Chamber may attempt to facilitate an amicable resolution of the matter on the basis of respect for the rights and freedoms referred to in this Agreement.

2. If the Chamber succeeds in effecting such a resolution, it shall publish a Report and forward it to the High Representative described in Annex 10 to the General Framework Agreement while such office exists, the OSCE and the Secretary General of the Council of Europe. Such a Report shall include a brief statement of the facts and the resolution reached. The report of a resolution in a given case may, however, be confidential in whole or in part where necessary for the protection of human rights or with the agreement of the Chamber and the parties concerned.

## Article X

## Proceedings before the Chamber

1. The Chamber shall develop fair and effective procedures for the adjudication of applications. Such procedures shall provide for appropriate written pleadings and, on the decision of the Chamber, a hearing for oral argument or the presentation of evidence. The Chamber shall have the power to order provisional measures, to appoint experts, and to compel the production of witnesses and evidence.

2. The Chamber shall normally sit in panels of seven, composed of two members from the Federation, one from the Republika Srpska, and four who are not citizens of Bosnia and Herzegovina or any neighboring state. When an application is decided by a panel, the full Chamber may decide, upon motion of a party to the case or the Ombudsman, to review the decision; such review may include the taking of additional evidence where the Chamber so decides. References in this Annex to the Chamber shall include, as appropriate, the Panel, except that the power to develop general rules, regulations and procedures is vested only in the Chamber as a whole.

3. Except in exceptional circumstances in accordance with its rules, hearings of the Chamber shall be held in public.

4. Applicants may be represented in proceedings by attorneys or other representatives of their choice, but shall also be personally present unless excused by the Chamber on account of hardship, impossibility, or other good cause.

5. The Parties undertake to provide all relevant information to, and to cooperate fully with, the Chamber.

## Article XI

## Decisions

1. Following the conclusion of the proceedings, the Chamber shall promptly issue a decision, which shall address:

(a) whether the facts found indicate a breach by the Party concerned of its obligations under this Agreement; and if so

(b) what steps shall be taken by the Party to remedy such breach, including orders to cease and desist, monetary relief (including pecuniary and non-pecuniary injuries), and provisional measures.

2. The Chamber shall make its decision by a majority of members. In the event a decision by the full Chamber results in a tie, the President of the Chamber shall cast the deciding vote.

3. Subject to review as provided in paragraph 2 of Article X, the decisions of the Chamber shall be final and binding.

4. Any member shall be entitled to issue a separate opinion on any case.

5. The Chamber shall issue reasons for its decisions. Its decisions shall be published and forwarded to the parties concerned, the High Representative described in Annex 10 to the General Framework Agreement while such office exists, the Secretary General of the Council of Europe and the OSCE.

6. The Parties shall implement fully decisions of the Chamber.

## Article XII

## Rules and Regulations

The Chamber shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions, including provisions for preliminary hearings, expedited decisions on provisional measures, decisions by panels of the Chamber, and review of decisions made by any such panels.

## CHAPTER THREE: GENERAL PROVISIONS

### Article XIII

### Organizations Concerned with Human Rights

1. The Parties shall promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights.

2. The Parties join in inviting the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina, including through the establishment of local offices and the assignment of observers, rapporteurs, or other relevant persons on a permanent or mission-by-mission basis and to provide them with full and effective facilitation, assistance and access.

3. The Parties shall allow full and effective access to non-governmental organizations for purposes of investigating and monitoring human rights conditions in Bosnia and Herzegovina and shall refrain from hindering or impeding them in the exercise of these functions.

4. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.

### Article XIV

### Transfer

Five years after this Agreement enters into force, the responsibility for the continued operation of the Commission shall transfer from the Parties to the institutions of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

## Article XV

### Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

## Article XVI

### Entry into Force

This Agreement shall enter into force upon signature.

For the Republic
of Bosnia and Herzegovina

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

/...

APPENDIX

**HUMAN RIGHTS AGREEMENTS**

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide

2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto

3. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Protocols thereto

4. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

5. 1957 Convention on the Nationality of Married Women

6. 1961 Convention on the Reduction of Statelessness

7. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

8. 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto

9. 1966 Covenant on Economic, Social and Cultural Rights

10. 1979 Convention on the Elimination of All Forms of Discrimination against Women

11. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

12. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

13. 1989 Convention on the Rights of the Child

14. 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

15. 1992 European Charter for Regional or Minority Languages

16. 1994 Framework Convention for the Protection of National Minorities

ANNEX 7

# AGREEMENT ON REFUGEES AND DISPLACED PERSONS

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows:

## CHAPTER ONE: PROTECTION

### Article I

### Rights of Refugees and Displaced Persons

1. All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.

2. The Parties shall ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion.

3. The Parties shall take all necessary steps to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons. To demonstrate their commitment to securing full respect for the human rights and fundamental freedoms of all persons within their jurisdiction and creating without delay conditions suitable for return of refugees and displaced persons, the Parties shall take immediately the following confidence building measures:

(a) the repeal of domestic legislation and administrative practices with discriminatory intent or effect;

(b) the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred;

(c) the dissemination, through the media, of warnings against, and the prompt suppression of, acts of retribution by military, paramilitary, and police services, and by other public officials or private individuals;

(d) the protection of ethnic and/or minority populations wherever they are found and the provision of immediate access to these populations by international humanitarian organizations and monitors;

(e) the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups.

4. Choice of destination shall be up to the individual or family, and the principle of the unity of the family shall be preserved. The Parties shall not interfere with the returnees' choice of destination, nor shall they compel them to remain in or move to situations of serious danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life. The Parties shall facilitate the flow of information necessary for refugees and displaced persons to make informed judgments about local conditions for return.

5. The Parties call upon the United Nations High Commissioner for Refugees ("UNHCR") to develop in close consultation with asylum countries and the Parties a repatriation plan that will allow for an early, peaceful, orderly and phased return of refugees and displaced persons, which may include priorities for certain areas and certain categories of returnees. The Parties agree to implement such a plan and to conform their international agreements and internal laws to it. They accordingly call upon States that have accepted refugees to promote the early return of refugees consistent with international law.

## Article II

### Creation of Suitable Conditions for Return

1. The Parties undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group. The Parties shall provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return in a peaceful, orderly and phased manner, in accordance with the UNHCR repatriation plan.

2. The Parties shall not discriminate against returning refugees and displaced persons with respect to conscription into military service, and shall give positive consideration to requests for exemption from military or other obligatory service based on individual circumstances, so as to enable returnees to rebuild their lives.

## Article III

### Cooperation with International Organizations and International Monitoring

1. The Parties note with satisfaction the leading humanitarian role of UNHCR, which has been entrusted by the Secretary-General of the United Nations with the role of coordinating among all agencies assisting with the repatriation and relief of refugees and displaced persons.

2. The Parties shall give full and unrestricted access by UNHCR, the International Committee of the Red Cross ("ICRC"), the United Nations Development Programme ("UNDP"), and other relevant international, domestic and nongovernmental organizations to all refugees and displaced persons, with a view to facilitating the work of those organizations in tracing persons, the provision of medical assistance, food distribution, reintegration assistance, the provision of temporary and permanent housing, and other activities vital to the discharge of their mandates and operational responsibilities without administrative impediments. These activities shall include traditional protection functions and the monitoring of basic human rights and humanitarian conditions, as well as the implementation of the provisions of this Chapter.

3. The Parties shall provide for the security of all personnel of such organizations.

## Article IV

### Repatriation Assistance

The Parties shall facilitate the provision of adequately monitored, short-term repatriation assistance on a nondiscriminatory basis to all returning refugees and displaced persons who are in need, in accordance with a plan developed by UNHCR and other relevant organizations, to enable the families and individuals returning to reestablish their lives and livelihoods in local communities.

## Article V

### Persons Unaccounted For

The Parties shall provide information through the tracing mechanisms of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.

## Article VI

### Amnesty

Any returning refugee or displaced person charged with a crime, other than a serious violation of international humanitarian law as defined in the Statute of the International Tribunal for the Former Yugoslavia since January 1, 1991 or a common crime unrelated to the conflict, shall upon return enjoy an amnesty. In no case shall charges for crimes be imposed for political or other inappropriate reasons or to circumvent the application of the amnesty.

# CHAPTER TWO: COMMISSION FOR DISPLACED PERSONS AND REFUGEES

## Article VII

### Establishment of the Commission

The Parties hereby establish an independent Commission for Displaced Persons and Refugees (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

## Article VIII

### Cooperation

The Parties shall cooperate with the work of the Commission, and shall respect and implement its decisions expeditiously and in good faith, in cooperation with relevant international and nongovernmental organizations having responsibility for the return and reintegration of refugees and displaced persons.

## Article IX

### Composition

1. The Commission shall be composed of nine members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members, two for a term of three years and the others for a term of four years, and the Republika Srpska shall appoint two members, one for a term of three years and the other for a term of four years. The President of the European Court of Human Rights shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed.

2. Members of the Commission must be of recognized high moral standing.

3. The Commission may sit in panels, as provided in its rules and regulations. References in this Annex to the Commission shall include, as appropriate, such panels, except that the power to promulgate rules and regulations is vested only in the Commission as a whole.

4. Members appointed after the transfer described in Article XVI below shall be appointed by the Presidency of Bosnia and Herzegovina.

## Article X

### Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, experienced in administrative, financial, banking and legal matters, to assist it in carrying out its functions. The staff shall be headed by an Executive Officer, who shall be appointed by the Commission.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.

3. Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

4. The Commission may receive assistance from international and nongovernmental organizations, in their areas of special expertise falling within the mandate of the Commission, on terms to be agreed.

5. The Commission shall cooperate with other entities established by the General Framework Agreement, agreed by the Parties, or authorized by the United Nations Security Council.

## Article XI

## Mandate

The Commission shall receive and decide any claims for real property in Bosnia and Herzegovina, where the property has not voluntarily been sold or otherwise transferred since April 1, 1992, and where the claimant does not now enjoy possession of that property. Claims may be for return of the property or for just compensation in lieu of return.

## Article XII

## Proceedings before the Commission

1. Upon receipt of a claim, the Commission shall determine the lawful owner of the property with respect to which the claim is made and the value of that property. The Commission, through its staff or a duly designated international or nongovernmental organization, shall be entitled to have access to any and all property records in Bosnia and Herzegovina, and to any and all real property located in Bosnia and Herzegovina for purposes of inspection, evaluation and assessment related to consideration of a claim.

2. Any person requesting the return of property who is found by the Commission to be the lawful owner of that property

shall be awarded its return. Any person requesting compensation in lieu of return who is found by the Commission to be the lawful owner of that property shall be awarded just compensation as determined by the Commission. The Commission shall make decisions by a majority of its members.

3. In determining the lawful owner of any property, the Commission shall not recognize as valid any illegal property transaction, including any transfer that was made under duress, in exchange for exit permission or documents, or that was otherwise in connection with ethnic cleansing. Any person who is awarded return of property may accept a satisfactory lease arrangement rather than retake possession.

4. The Commission shall establish fixed rates that may be applied to determine the value of all real property in Bosnia and Herzegovina that is the subject of a claim before the Commission. The rates shall be based on an assessment or survey of properties in the territory of Bosnia and Herzegovina undertaken prior to April 1, 1992, if available, or may be based on other reasonable criteria as determined by the Commission.

5. The Commission shall have the power to effect any transactions necessary to transfer or assign title, mortgage, lease, or otherwise dispose of property with respect to which a claim is made, or which is determined to be abandoned. In particular, the Commission may lawfully sell, mortgage, or lease real property to any resident or citizen of Bosnia and Herzegovina, or to either Party, where the lawful owner has sought and received compensation in lieu of return, or where the property is determined to be abandoned in accordance with local law. The Commission may also lease property pending consideration and final determination of ownership.

6. In cases in which the claimant is awarded compensation in lieu of return of the property, the Commission may award a monetary grant or a compensation bond for the future purchase of real property. The Parties welcome the willingness of the international community assisting in the construction and financing of housing in Bosnia and Herzegovina to accept compensation bonds awarded by the Commission as payment, and to award persons holding such compensation bonds priority in obtaining that housing.

7. Commission decisions shall be final, and any title, deed, mortgage, or other legal instrument created or awarded by the Commission shall be recognized as lawful throughout Bosnia and Herzegovina.

8. Failure of any Party or individual to cooperate with the Commission shall not prevent the Commission from making its decision.

## Article XIII

### Use of Vacant Property

The Parties, after notification to the Commission and in coordination with UNHCR and other international and nongovernmental organizations contributing to relief and reconstruction, may temporarily house refugees and displaced persons in vacant property, subject to final determination of ownership by the Commission and to such temporary lease provisions as it may require.

## Article XIV

### Refugees and Displaced Persons Property Fund

1. A Refugees and Displaced Persons Property Fund (the "Fund") shall be established in the Central Bank of Bosnia and Herzegovina to be administered by the Commission. The Fund shall be replenished through the purchase, sale, lease and mortgage of real property which is the subject of claims before the Commission. It may also be replenished by direct payments from the Parties, or from contributions by States or international or nongovernmental organizations.

2. Compensation bonds issued pursuant to Article XII(6) shall create future liabilities on the Fund under terms and conditions to be defined by the Commission.

## Article XV

### Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions. In developing these rules and regulations, the Commission shall consider domestic laws on property rights.

## Article XVI

### Transfer

Five years after this Agreement takes effect, responsibility for the financing and operation of the Commission shall transfer from the Parties to the Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

## Article XVII

### Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina, and in all countries known to have persons who were citizens or residents of Bosnia and Herzegovina.

## Article XVIII

### Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of
Bosnia and Herzegovina

A.J.

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

ANNEX 8

# AGREEMENT ON COMMISSION TO PRESERVE NATIONAL MONUMENTS

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

## Article I

## Establishment of the Commission

The Parties hereby establish an independent Commission to Preserve National Monuments (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

## Article II

## Composition

1. The Commission shall be composed of five members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two members, and the Republika Srpska one member, each serving a term of three years. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may serve on the Commission.

2. Members appointed after the transfer described in Article IX below shall be appointed by the Presidency of Bosnia and Herzegovina.

## Article III

## Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to assist it in carrying out its functions. The staff shall be headed by an executive officer, who shall be appointed by the Commission.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Entities and shall be borne equally by them.

3. Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

## Article IV

## Mandate

The Commission shall receive and decide on petitions for the designation of property having cultural, historic, religious or ethnic importance as National Monuments.

## Article V

## Proceedings before the Commission

1. Any Party, or any concerned person in Bosnia and Herzegovina, may submit to the Commission a petition for the designation of property as a National Monument. Each such petition shall set forth all relevant information concerning the property, including:

(a) the specific location of the property;

(b) its current owner and condition;

(c) the cost and source of funds for any necessary repairs to the property;

(d) any known proposed use; and

(e) the basis for designation as a National Monument.

2. In deciding upon the petition, the Commission shall afford an opportunity for the owners of the proposed National Monument, as well as other interested persons or entities, to present their views.

3. For a period of one year after such a petition has been submitted to the Commission, or until a decision is rendered in accordance with this Annex, whichever occurs first, all Parties shall refrain from taking any deliberate measures that might damage the property.

4. The Commission shall issue, in each case, a written decision containing any findings of fact it deems appropriate and a detailed explanation of the basis for its decision. The Commission shall make decisions by a majority of its members. Decisions of the Commission shall be final and enforceable in accordance with domestic law.

5. In any case in which the Commission issues a decision designating property as a National Monument, the Entity in whose territory the property is situated (a) shall make every effort to take appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of the property, and (b) shall refrain from taking any deliberate measures that might damage the property.

## Article VI

## Eligibility

The following shall be eligible for designation as National Monuments: movable or immovable property of great importance to a group of people with common cultural, historic, religious or ethnic heritage, such as monuments of architecture, art or history; archaeological sites; groups of buildings; as well as cemeteries.

## Article VII

### Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions.

## Article VIII

### Cooperation

Officials and organs of the Parties and their Cantons and Municipalities, and any individual acting under the authority of such official or organ, shall fully cooperate with the Commission, including by providing requested information and other assistance.

## Article IX

### Transfer

Five years after this Agreement enters into force, the responsibility for the continued operation of the Commission shall transfer from the Parties to the Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

## Article X

### Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

Article XI

Entry into Force

This Agreement shall enter into force upon signature.

For the Republic
of Bosnia and Herzegovina

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

ANNEX 9

# AGREEMENT ON ESTABLISHMENT OF BOSNIA AND HERZEGOVINA PUBLIC CORPORATIONS

Bearing in mind that reconstruction of the infrastructure and the functioning of transportation and other facilities are important for the economic resurgence of Bosnia and Herzegovina, and for the smooth functioning of its institutions and the organizations involved in implementation of the peace settlement, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

## Article I

## Commission on Public Corporations

1. The Parties hereby establish a Commission on Public Corporations (the "Commission") to examine establishing Bosnia and Herzegovina Public Corporations to operate joint public facilities, such as for the operation of utility, energy, postal and communication facilities, for the benefit of both Entities.

2. The Commission shall have five Members. Within fifteen days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two Members, and the Republika Srpska one Member. Persons appointed must be familiar with the specific economic, political and legal characteristics of Bosnia and Herzegovina and be of high recognized moral standing. Recognizing that the Commission will benefit from international expertise, the Parties request the President of the European Bank for Reconstruction and Development to appoint the remaining two Members and to designate one as the Chairman.

3. The Commission shall in particular examine the appropriate internal structure for such Corporations, the conditions necessary to ensure their successful, permanent operation, and the best means of procuring long-term investment capital.

## Article II

## Establishment of a Transportation Corporation

1. The Parties, recognizing an immediate need to establish a Public Corporation to organize and operate transportation facilities, such as roads, railways and ports, for their mutual benefit, hereby establish a Bosnia and Herzegovina Transportation Corporation (the "Transportation Corporation") for such purpose.

2. The Transportation Corporation shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate. It shall have appropriate facilities and choose a professionally competent Board of Directors, Officers and Staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to carry out its functions. The Commission shall choose the Board of Directors, which shall in turn appoint the Officers and select the Staff.

3. The Transportation Corporation is authorized to construct, acquire, hold, maintain and operate and dispose of real and personal property in accordance with specific plans that it develops. It is also authorized to fix and collect rates, fees, rentals and other charges for the use of facilities it operates; enter into all contracts and agreements necessary for the performance of its functions; and take other actions necessary to carry out these functions.

4. The Transportation Corporation shall operate transportation facilities as agreed by the Parties. The Parties shall, as part of their agreement, provide the Corporation with necessary legal authority. The Parties shall meet within fifteen days after this Agreement enters into force to consider which facilities the Corporation will operate.

5. Within thirty days after this Agreement enters into force, the Parties shall agree on sums of money to be contributed to the Transportation Corporation for its initial operating budget. The Parties may at any time transfer to the Transportation Corporation additional funds or facilities that belong to them and the rights thereto. The Parties shall decide the means by which the Transportation Corporation will be authorized to raise additional capital.

## Article III

## Other Public Corporations

The Parties may decide, upon recommendation of the Commission, to use establishment of the Transportation Corporation as a model for the establishment of other joint public corporations, such as for the operation of utility, energy, postal and communication facilities.

## Article IV

## Cooperation

The Commission, the Transportation Corporation and other Public Corporations shall cooperate fully with all organizations involved in implementation of the peace settlement, or which are otherwise authorized by the United Nations Security Council, including the International Tribunal for the Former Yugoslavia.

## Article V

## Ethics

Members of the Commission and Directors of the Transportation Corporation may not have an employment or financial relationship with any enterprise that has, or is seeking, a contract or agreement with the Commission or the Corporation, respectively, or otherwise has interests that can be directly affected by its actions or inactions.

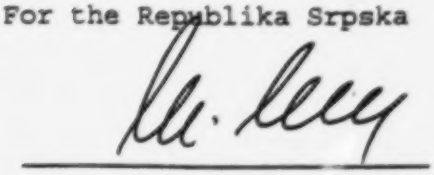
## Article VI

## Entry into Force

This Agreement shall enter into force upon signature.

For the Federation of Bosnia and Herzegovina

For the Republika Srpska



ANNEX 10

# AGREEMENT ON CIVILIAN IMPLEMENTATION OF THE PEACE SETTLEMENT

The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows:

## Article I

## High Representative

1. The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including continuation of the humanitarian aid effort for as long as necessary; rehabilitation of infrastructure and economic reconstruction; the establishment of political and constitutional institutions in Bosnia and Herzegovina; promotion of respect for human rights and the return of displaced persons and refugees; and the holding of free and fair elections according to the timetable in Annex 3 to the General Framework Agreement. A considerable number of international organizations and agencies will be called upon to assist.

2. In view of the complexities facing them, the Parties request the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions, to facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below.

## Article II

### Mandate and Methods of Coordination and Liaison

1. The High Representative shall:

(a) Monitor the implementation of the peace settlement;

(b) Maintain close contact with the Parties to promote their full compliance with all civilian aspects of the peace settlement and a high level of cooperation between them and the organizations and agencies participating in those aspects.

(c) Coordinate the activities of the civilian organizations and agencies in Bosnia and Herzegovina to ensure the efficient implementation of the civilian aspects of the peace settlement. The High Representative shall respect their autonomy within their spheres of operation while as necessary giving general guidance to them about the impact of their activities on the implementation of the peace settlement. The civilian organizations and agencies are requested to assist the High Representative in the execution of his or her responsibilities by providing all information relevant to their operations in Bosnia-Herzegovina.

(d) Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation.

(e) Participate in meetings of donor organizations, particularly on issues of rehabilitation and reconstruction.

(f) Report periodically on progress in implementation of the peace agreement concerning the tasks set forth in this Agreement to the United Nations, European Union, United States, Russian Federation, and other interested governments, parties, and organizations.

(g) Provide guidance to, and receive reports from, the Commissioner of the International Police Task Force established in Annex 11 to the General Framework Agreement.

2. In pursuit of his or her mandate, the High Representative shall convene and chair a commission (the "Joint Civilian Commission") in Bosnia and Herzegovina. It will comprise senior political representatives of the Parties, the IFOR Commander or his representative, and representatives of those civilian organizations and agencies the High Representative deems necessary.

3. The High Representative shall, as necessary, establish subordinate Joint Civilian Commissions at local levels in Bosnia and Herzegovina.

4. A Joint Consultative Committee will meet from time to time or as agreed between the High Representative and the IFOR Commander.

5. The High Representative or his designated representative shall remain in close contact with the IFOR Commander or his designated representatives and establish appropriate liaison arrangements with the IFOR Commander to facilitate the discharge of their respective responsibilities.

6. The High Representative shall exchange information and maintain liaison on a regular basis with IFOR, as agreed with the IFOR Commander, and through the commissions described in this Article.

7. The High Representative shall attend or be represented at meetings of the Joint Military Commission and offer advice particularly on matters of a political-military nature. Representatives of the High Representative will also attend subordinate commissions of the Joint Military Commission as set out in Article VIII(8) of Annex 1A to the General Framework Agreement.

8. The High Representative may also establish other civilian commissions within or outside Bosnia and Herzegovina to facilitate the execution of his or her mandate.

9. The High Representative shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command.

## Article III

## Staffing

1. The High Representative shall appoint staff, as he or she deems necessary, to provide assistance in carrying out the tasks herein.

2. The Parties shall facilitate the operations of the High Representative in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.

3. The High Representative shall enjoy, under the laws of Bosnia and Herzegovina, such legal capacity as may be necessary for the exercise of his or her functions, including the capacity to contract and to acquire and dispose of real and personal property.

4. Privileges and immunities shall be accorded as follows:

(a) The Parties shall accord the office of the High Representative and its premises, archives, and other property the same privileges and immunities as are enjoyed by a diplomatic mission and its premises, archives, and other property under the Vienna Convention on Diplomatic Relations.

(b) The Parties shall accord the High Representative and professional members of his or her staff and their families the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

(c) The Parties shall accord other members of the High Representative staff and their families the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

## Article IV

## Cooperation

The Parties shall fully cooperate with the High Representative and his or her staff, as well as with the international organizations and agencies as provided for in Article IX of the General Framework Agreement.

## Article V

## Final Authority to Interpret

The High Representative is the final authority in theater regarding interpretation of this Agreement on the civilian implementation of the peace settlement.

Article VI

Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of
Bosnia and Herzegovina

For the Republic
of Croatia

For the Federal
Republic of
Yugoslavia

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

Annex 11

# AGREEMENT ON INTERNATIONAL POLICE TASK FORCE

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows:

## Article I

## Civilian Law Enforcement

1. As provided in Article III(2)(c) of the Constitution agreed as Annex 4 to the General Framework Agreement, the Parties shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other measures as appropriate.

2. To assist them in meeting their obligations, the Parties request that the United Nations establish by a decision of the Security Council, as a UNCIVPOL operation, a U.N. International Police Task Force (IPTF) to carry out, throughout Bosnia and Herzegovina, the program of assistance the elements of which are described in Article III below.

## Article II

## Establishment of the IPTF

1. The IPTF shall be autonomous with regard to the execution of its functions under this Agreement. Its activities will be coordinated through the High Representative described in Annex 10 to the General Framework Agreement.

2. The IPTF will be headed by a Commissioner, who will be appointed by the Secretary General of the United Nations in consultation with the Security Council. It shall consist of persons of high moral standing who have experience in law enforcement. The IPTF Commissioner may request and accept

personnel, resources, and assistance from states and international and nongovernmental organizations.

3. The IPTF Commissioner shall receive guidance from the High Representative.

4. The IPTF Commissioner shall periodically report on matters within his or her responsibility to the High Representative, the Secretary General of the United Nations, and shall provide information to the IFOR Commander and, as he or she deems appropriate, other institutions and agencies.

5. The IPTF shall at all times act in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and shall respect, consistent with the IPTF's responsibilities, the laws and customs of the host country.

6. The Parties shall accord the IPTF Commissioner, IPTF personnel, and their families the privileges and immunities described in Sections 18 and 19 of the 1946 Convention on the Privileges and Immunities of the United Nations. In particular, they shall enjoy inviolability, shall not be subject to any form of arrest or detention, and shall have absolute immunity from criminal jurisdiction. IPTF personnel shall remain subject to penalties and sanctions under applicable laws and regulations of the United Nations and other states.

7. The IPTF and its premises, archives, and other property shall be accorded the same privileges and immunities, including inviolability, as are described in Articles II and III of the 1946 Convention on the Privileges and Immunities of the United Nations.

8. In order to promote the coordination by the High Representative of IPTF activities with those of other civilian organizations and agencies and of the (IFOR), the IPTF Commissioner or his or her representatives may attend meetings of the Joint Civilian Commission established in Annex 10 to the General Framework Agreement and of the Joint Military Commission established in Annex 1, as well as meetings of their subordinate commissions. The IPTF Commissioner may request that meetings of appropriate commissions be convened to discuss issues within his or her area of responsibility.

## Article III

## IPTF Assistance Program

1. IPTF assistance includes the following elements, to be provided in a program designed and implemented by the IPTF Commissioner in accordance with the Security Council decision described in Article I(2):

(a) monitoring, observing, and inspecting law enforcement activities and facilities, including associated judicial organizations, structures, and proceedings;

(b) advising law enforcement personnel and forces;

(c) training law enforcement personnel;

(d) facilitating, within the IPTF's mission of assistance, the Parties' law enforcement activities;

(e) assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats.

(f) advising governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies; and

(g) assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate.

2. In addition to the elements of the assistance program set forth in paragraph 1, the IPTF will consider, consistent with its responsibilities and resources, requests from the Parties or law enforcement agencies in Bosnia and Herzegovina for assistance described in paragraph 1.

3. The Parties confirm their particular responsibility to ensure the existence of social conditions for free and fair elections, including the protection of international personnel in Bosnia and Herzegovina in connection with the elections provided for in Annex 3 to the General Framework Agreement. They request the IPTF to give priority to assisting the Parties in carrying out this responsibility.

## Article IV

## Specific Responsibilities of the Parties

1. The Parties shall cooperate fully with the IPTF and shall so instruct all their law enforcement agencies.

2. Within 30 days after this Agreement enters into force, the Parties shall provide the IPTF Commissioner or his or her designee with information on their law enforcement agencies, including their size, location, and force structure. Upon request of the IPTF Commissioner, they shall provide additional information, including any training, operational, or employment and service records of law enforcement agencies and personnel.

3. The Parties shall not impede the movement of IPTF personnel or in any way hinder, obstruct, or delay them in the performance of their responsibilities. They shall allow IPTF personnel immediate and complete access to any site, person, activity, proceeding, record, or other item or event in Bosnia and Herzegovina as requested by the IPTF in carrying out its responsibilities under this Agreement. This shall include the right to monitor, observe, and inspect any site or facility at which it believes that police, law enforcement, detention, or judicial activities are taking place.

4. Upon request by the IPTF, the Parties shall make available for training qualified personnel, who are expected to take up law enforcement duties immediately following such training.

5. The Parties shall facilitate the operations of the IPTF in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.

## Article V

## Failure to Cooperate

1. Any obstruction of or interference with IPTF activities, failure or refusal to comply with an IPTF request, or other failure to meet the Parties' responsibilities or other obligations in this Agreement, shall constitute a failure to cooperate with the IPTF.

2. The IPTF Commissioner will notify the High Representative and inform the IFOR Commander of failures to cooperate with the IPTF. The IPTF Commissioner may request that

the High Representative take appropriate steps upon receiving such notifications, including calling such failures to the attention of the Parties, convening the Joint Civilian Commission, and consulting with the United Nations, relevant states, and international organizations on further responses.

## Article VI

## Human Rights

1. When IPTF personnel learn of credible information concerning violations of internationally recognized human rights or fundamental freedoms or of the role of law enforcement officials or forces in such violations, they shall provide such information to the Human Rights Commission established in Annex 6 to the General Framework Agreement, the International Tribunal for the Former Yugoslavia, or to other appropriate organizations.

2. The Parties shall cooperate with investigations of law enforcement forces and officials by the organizations described in paragraph 1.

## Article VII

## Application

This Agreement applies throughout Bosnia and Herzegovina to law enforcement agencies and personnel of Bosnia and Herzegovina, the Entities, and any agency, subdivision, or instrumentality thereof. Law enforcement agencies are those with a mandate including law enforcement, criminal investigations, public and state security, or detention or judicial activities.

## Article VIII

## Entry Into Force

This Agreement shall enter into force upon signature.

For the Republic of
Bosnia and Herzegovina

For the Federation of
Bosnia and Herzegovina

For the Republika Srpska

# AGREEMENT ON INITIALLING THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia ("the Parties"),

Recognizing the need now for a comprehensive settlement to bring an end to the tragic conflict in the region,

Welcoming the progress achieved during the Peace Proximity Talks held at Wright-Patterson Air Force Base, Ohio,

Desiring to promote peace and prosperity throughout Bosnia and Herzegovina and the region,

Have agreed as follows:

## Article I

The negotiation of the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes has been completed. The Parties, and the Entities that they represent, commit themselves to signature of these Agreements in Paris in their present form, in accordance with Article III, thus establishing their entry into force and the date from which the Agreements shall have operative effect.

## Article II

The initialling of each signature block of the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes today hereby expresses the consent of the Parties, and the Entities that they represent, to be bound by such Agreements.

## Article III

Prior to signature of the General Framework Agreement for Peace in Bosnia and Herzegovina in Paris, the Annexes may be renumbered, with the necessary conforming changes made.

Article IV

This Agreement shall enter into force upon signature.

DONE at Wright-Patterson Air Force Base, Ohio, this 21st day of November 1995, in the English language, in quadruplicate.

For the Republic of Bosnia and Herzegovina

For the Republic of Croatia

For the Federal Republic of Yugoslavia

/...

DELEGACIJI SR JUGOSLAVIJE

Predsedniku Slobodanu Miloševiću, šefu delegacije SR Jugoslavije

DEJTON, OHAJO

Poštovani gospodine Predsedniče,

Obraćamo Vam se u vezi mirovnog sporazuma i dokumenata koji treba da budu parafirani na kraju mirovnih pregovora u Ohaju. S obzirom da se, u nizu dokumenata, koji su pripremljeni za usvajanje, zahteva da SR Jugoslavija bude garant obaveza koje je RS preuzela u mirovnom procesu, molim Vas da, u ime SRJ, preuzmete ulogu garanta da će Repuolika Srpska ispuniti sve preuzete obaveze.

Delegacija Republike Srpske:

- Momčilo Krajišnik
- Nikola Koljević
- Aleksa Buha

U Dejtonu, 20. novembra 1995.

/...

TRANSLATION*

THE DELEGATION OF THE FR OF YUGOSLAVIA

President Slobodan Milošević, Head of the Delegation of the FR of Yugoslavia

Dear Mr. President,

We write to you regarding the Peace Agreement and the documents which are to be initialled at the conclusion of the peace negotiations in Ohio. Since it is requested, in a number of documents prepared for adoption, that the FR of Yugoslavia be the guarantor of the obligations taken by the RS in the peace process, we kindly ask you to assume, on behalf of the FRY, the role of the guarantor that the Republika Srpska shall fulfill all the obligations it took.

The Delegation of the Republika Srpska:

(Signed) Momčilo KRAJIŠNIK

(Signed) Nikola KOLJEVIĆ

(Signed) Aleksa BUHA

Dayton, 20 November 1995

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* Translation included in original submission.

REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

**The Honorable**
**Klaus Kinkel**
**Federal Minister for Foreign Affairs**
**Bonn**

Dear Mr. Minister:

I refer to the Agreement on the Military Aspects of the Peace Settlement and the Agreement on Inter-Entity Boundary Line and Related Issues, which constitute Annex 1-A and Annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina. The Republic of Croatia has endorsed both of these Agreements.

On behalf of the Republic of Croatia, I wish to assure you that the Republic of Croatia shall take all necessary steps, consistent with the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to ensure that personnel or organizations in Bosnia and Herzegovina which are under its control or with which it has influence fully respects and comply with the provisions of the aforementioned Annexes.

Sincerely,

Mate Granic

M. Granić

/...

41000 ZAGREB, Trg Nikole Šubića Zrinskog 7-8 · Phone: (+385 41) 45 11 02 · Fax: (+385 41) 42 75 94

REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

**The Honorable**
**Herve de Charette**
**Minister for Foreign Affairs**
**Paris**

Dear Mr. Minister:

I refer to the Agreement on the Military Aspects of the Peace Settlement and the Agreement on Inter-Entity Boundary Line and Related Issues, which constitute Annex 1-A and Annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina. The Republic of Croatia has endorsed both of these Agreements.

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Sincerely,

Mate Granic

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REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

**The Honorable**
**Andre Kozyrev**
**Minister for Foreign Affairs**
**Moscow**

Dear Mr. Minister:

I refer to the Agreement on the Military Aspects of the Peace Settlement and the Agreement on Inter-Entity Boundary Line and Related Issues, which constitute Annex 1-A and Annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina. The Republic of Croatia has endorsed both of these Agreements.

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Sincerely,

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REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

**The Right Honorable**
**Malcolm Rifkind, QC MP**
**London**

Dear Mr. Secretary:

I refer to the Agreement on the Military Aspects of the Peace Settlement and the Agreement on Inter-Entity Boundary Line and Related Issues, which constitute Annex 1-A and Annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina. The Republic of Croatia has endorsed both of these Agreements.

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Mate Granic

M. Granić

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REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

**The Honorable**
**Warren Christopher**
**Secretary of State**
**Washington, D.C.**

Dear Mr. Secretary:

I refer to the Agreement on the Military Aspects of the Peace Settlement and the Agreement on Inter-Entity Boundary Line and Related Issues, which constitute Annex 1-A and Annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina. The Republic of Croatia has endorsed both of these Agreements.

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Sincerely,

Mate Granic

M. Granić

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САВЕЗНА РЕПУБЛИКА ЈУГОСЛАВИЈА

The Honorable
Klaus Kinkel
Federal Minister for Foreign Affairs

B O N N

21 November 1995

Dear Mr. Minister,

I refer to the Agreement on the Military Aspects of the Peace Settlement and the Agreement on Inter-Entity Boundary Line and Related Issues, which constitute Annex 1-A and Annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina. The Federal Republic of Yugoslavia has endorsed both of these Agreements.

On behalf of the Federal Republic of Yugoslavia, I wish to assure you that the Federal Republic of Yugoslavia shall take all necessary steps, consistent with the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to ensure that the Republika Srpska fully respects and complies with the provisions of the aforementioned Annexes.

Sincerely,

Milan Milutinovic

/...

САВЕЗНА РЕПУБЛИКА ЈУГОСЛАВИЈА

The Honorable
Herve de Charette
Minister for Foreign Affairs

PARIS

21 November 1995

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Sincerely,

Milan Milutinovic

САВЕЗНА РЕПУБЛИКА ЈУГОСЛАВИЈА

The Honorable
Andre Kozyrev
Minister for Foreign Affairs

M O S C O W

21 November 1995

Dear Mr. Minister,

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Malcolm Rifkind, QC MP

21 November 1995

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WASHINGTON, D.C.

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Sincerely,

Milan Milutinovic

REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

**His Excellency**
**Boutros Boutros-Ghali**
**Secretary General**
**United Nations**
**New York**

Dear Mr. Secretary General:

I refer to the Agreement on the Military Aspects of the Peace Settlement attached as Annex 1-A to the General Framework Agreement for Peace in Bosnia and Herzegovina. Recognizing the importance of a comprehensive peace settlement to bring an end to the tragic conflict in the region, I have the honor to provide the following undertaking to promote achievement of that objective.

On behalf of the Republic of Croatia, I wish to assure United Nations that, in order to facilitate accomplishment of the mission of the multinational military Implementation Force ("IFOR") referred to in Annex 1-A, the Republic of Croatia shall strictly refrain from introducing into or otherwise maintaining in Bosnia and Herzegovina any armed forces or other personnel with military capability.

Sincerely,

Mate Granić

/...

41000 ZAGREB, Trg Nikole Šubića Zrinskog 7-8 · Phone: (+385 41) 45 11 02 · Fax: (+385 41) 42 75 94

REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Dayton, November 21, 1995

**His Excellency**
**Sergio Silvio Balanzino**
**Acting Secretary General**
**North Atlantic Treaty Organization**

**Brussels**

Dear Mr. Secretary General,

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21 November 1995

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United Nations
New York

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Sincerely,

Milan Milutinovic
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Federal Republic of Yugoslavia

21 November 1995

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North Atlantic Treaty Organization
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Sincerely,

Milan Milutinovic
Minister of Foreign Affairs
Federal Republic of Yugoslavia

/...

Wright Patterson Air Force Base, Ohio
November 21, 1995

The Honorable
Warren Christopher
Secretary of State of the
United States of America

Dear Mr. Secretary:

Upon initialing of the General Framework Agreement for Peace in Bosnia and Herzegovina, I will undertake several confidence-building measures to develop ties between the Federal Republic of Yugoslavia and Bosnia and Herzegovina and to build support for the peace settlement. Toward these important ends, I am pleased to make the following commitments on behalf of the government and people of Bosnia and Herzegovina.

Release Of All Detained Non-Combatants

All detained non-combatants will be released immediately from work brigade, detention site or other formal or informal custody, as required by UN Security Council Resolution 1019 of November 9, 1995. Specifically, pursuant to the resolution, all detention camps throughout the territory of Bosnia and Herzegovina will be immediately closed, and representatives of the International Committee of the Red Cross shall be permitted (I) to register any persons detained against their will, and (II) to have access to any site it may deem important.

Customs Union

As a matter of priority, my government will participate in senior expert-level meetings to pursue the harmonization of customs policies toward establishment of a customs union between the two countries.

Hot Line

With technical assistance as offered by the United States, my government will establish a direct, secure telephone link between the Presidency of Bosnia and Herzegovina and the Presidency of the Federal Republic of Yugoslavia.

Direct Flights

My government will grant permission through appropriate national and international agencies for direct flights between Sarajevo and Belgrade. I understand

that interested countries intend to encourage international carriers to add these routes to their schedule.

High-Level Visits

I undertake to have my government organize a program of high-level visits to Sarajevo and other important sites for officials and other distinguished persons from the Federal Republic of Yugoslavia. I understand that Ambassadors from Contact Group and other interested countries will be available to participate as appropriate to help sustain international and domestic interest in the strengthening of ties between the two countries.

Economic Development

My government will take the steps necessary to establish a bilateral Commission on Economic Integration and Infrastructure Development for bilateral cooperation on nationally- and internationally-funded projects affecting both countries. In particular, the Commission will promote co-financing, joint ventures, and appropriate multilateral arrangements to develop the transportation, energy, and communications sectors in both countries.

Chamber Of Commerce

My government will actively seek the establishment of a joint Chamber of Commerce to promote trade and economic development in both countries by coordinating, where appropriate, the activities of the respective Chambers of Commerce in each country and by promoting ties with Chambers of Commerce in other countries.

Cultural And Educational Exchange

My government will actively develop student exchanges between the two countries, as well as nominate students to participate in joint exchange programs with the United States. Similarly, with support from the United States and other interested governments, my government will promote visits between the Federal Republic of Yugoslavia and Bosnia and Herzegovina for scientific, cultural, sporting, youth and similar groups. We will fully participate in the establishment and operation of a bilateral Commission on Cultural and Educational Exchange to develop programs in these areas.

Military Exchanges

In the context of regional arms control and related military confidence-building measures agreed elsewhere by Bosnia and Herzegovina and the Federal Republic of Yugoslavia, my government will promote familiarization and staff exchange visits for

officers from the armed forces of the other country. These visits will explore, among other measures, the establishment of liaison offices to each other's respective defense chiefs.

Commission Of Inquiry

My government will actively support the establishment and activities of an international commission of inquiry into the recent conflict in the former Yugoslavia. This will include participation by the governments of the states involved, as well as distinguished international experts to be named by agreement among the Republics of former Yugoslavia. The Commission's mandate will be to conduct fact-finding and other necessary studies into the causes, conduct, and consequences of the recent conflict on as broad and objective a basis as possible, and to issue a report thereon, to be made available to all interested countries and organizations. My government will cooperate fully with this Commission.

Sincerely,

Alija Izetbegovic
President of the Republic of
Bosnia and Herzegovina

Wright -Patterson Air Force Base, Ohio
November 21, 1995

The Honorable
Warren Christopher
Secretary of State of the
United States of America

Dear Mr. Secretary:

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Sincerely,

Slobodan Milosevic

Wright-Patterson Air Force Base, Ohio
November 21, 1995

The Honorable
Slobodan Milosevic
President of the
Republic of Serbia

Dear Mr. President:

I refer to the General Framework Agreement for Peace in Bosnia and Herzegovina and in particular its Annex 9 on Public Corporations. My government intends to see established passenger and freight rail service on a regular schedule along the rail line extending through Bosanska Krupa, Bosanska Novi, Bosanska Dubica, and Bosanska Gradiska in a cooperative arrangement that accords with Article II of Annex 9. My government will support and facilitate as appropriate the functioning of this railroad.

Sincerely,

A. Izetbegović

Alija Izetbegovic
President of the Republic of
Bosnia and Herzegovina

cc: The Honorable Warren Christopher
Secretary of State of the
United States of America

/...

Wright-Patterson Air Force Base, Ohio
November 21, 1995

The Honorable
Alija Izetbegovic
President of the Republic of
Bosnia and Herzegovina

Dear Mr. President:

I refer to the General Framework Agreement for Peace in Bosnia and Herzegovina and in particular its Annex 9 on Public Corporations. As head of the joint delegation of the Federal Republic of Yugoslavia and of the Republika Srpska, I state our intention to see established passenger and freight rail service on a regular schedule along the rail line extending through Bosanska Krupa, Bosanska Novi, Bosanska Dubica, and Bosanska Gradiska in a cooperative arrangement that accords with Article II of Annex 9. Those governments will support and facilitate as appropriate the functioning of this railroad.

Sincerely,

Slobodan Milosevic

cc: The Honorable Warren Christopher
Secretary of State of the
United States of America

## Concluding Statement by the Participants in the Bosnia Proximity Peace Talks

The Bosnia Proximity Peace Talks were held at Wright-Patterson Air Force Base, Ohio, from November 1 to November 20, 1995, under the auspices of the Contact Group.

During these talks, delegations from the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia engaged in hours of discussions aimed at reaching a peaceful settlement to the conflict in Bosnia and Herzegovina.

As a result of these constructive and difficult negotiations, the parties reached agreement on the terms of a General Framework Agreement and the following Annexes thereto:

| | |
|---|---|
| Annex 1A: | Military Aspects of the Peace Settlement |
| Annex 1B: | Regional Stabilization |
| Annex 2: | Inter-Entity Boundary |
| Annex 3: | Elections |
| Annex 4: | Constitution of Bosnia and Herzegovina |
| Annex 5: | Arbitration |
| Annex 6: | Human Rights |
| Annex 7: | Refugees and Displaced Persons |
| Annex 8: | Commission to Preserve National Monuments |
| Annex 9: | Bosnia and Herzegovina Public Corporations |
| Annex 10: | Civilian Implementation |
| Annex 11: | International Police Task Force |

On November 20, President Izetbegovic, for the Republic of Bosnia and Herzegovina, President Tudjman, for the Republic of Croatia, President Milosevic, for the Federal Republic of Yugoslavia and for the Republika Srpska, and President Zubak, for the Federation of Bosnia and Herzegovina, initialled the Framework Agreement and its Annexes, thus establishing the initialled documents as definitive, and signifying their consent to be bound thereby and their commitment to sign the Framework Agreement and its Annexes without delay.

The parties agree to reconvene in Paris under the auspices of the Contact Group to sign the Framework Agreement and its Annexes shortly.

As evidence of their common endeavor to bring peace to the region, the participants stress the utmost importance of maintaining the cease-fire, of cooperating with all humanitarian and other organizations in Bosnia and Herzegovina, and of

ensuring the safety and freedom of movement of personnel of such organizations. In particular, the delegations of the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia (also on behalf of the Republika Srpska), and the Federation of Bosnia and Herzegovina have committed themselves to refrain from any hostile act against or interference with members of United Nations Protection Force, the international force to be deployed in accordance with the General Framework Agreement, and personnel of humanitarian organizations and agencies. They specifically commit themselves to assist in locating the French pilots missing in Bosnia and Herzegovina and ensure their immediate and safe return.

The participants express their deep appreciation to the Government and the people of the United States of America for the hospitality extended to them throughout the talks.

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